



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Jennifer Villaseñor, Associate Planner
DATE: October 13, 2009

SUBJECT: ZONING MAP AMENDMENT NO. 06-003/ANNEXATION NO. 06-002/RECIRCULATED MITIGATED NEGATIVE DECLARATION NO. 08-017 (Goodell Property Pre-zoning and Annexation)

APPLICANT: City of Huntington Beach, 2000 Main Street, Huntington Beach, California 92648

LOCATION: 6.2 acre site located at the terminus of Bolsa Chica Street, south of Los Patos Avenue on the Bolsa Chica Mesa, in an unincorporated area of Orange County, adjacent to the City of Huntington Beach

STATEMENT OF ISSUE:

- ♦ Recirculated Mitigated Negative Declaration No. 08-017 analyzes the potential environmental impacts associated with the pre-zoning and annexation of the 6.2-acre site, generally referred to as the Goodell property.
- ♦ Annexation No. 06-002:
 - Annexation of approximately 6.2 acres of land currently under the jurisdiction of the County of Orange into the City of Huntington Beach.
- ♦ Zoning Map Amendment No. 06-003:
 - Prezoning of the approximately 6.2-acre site with the following zoning designations: 3.2 acres of Residential Low Density (RL); 2.0 acres of Open Space – Parks and Recreation (OS-PR); and 1.0 acre of Coastal Conservation (CC). The entire 6.2-acre property would be designated with a Coastal Zone (CZ) Overlay.
- ♦ Staff's Recommendation:

Approve Recirculated Mitigated Negative Declaration No. 08-016, Zoning Map Amendment No. 06-003 and Annexation No. 06-002 based on the following:

 - The proposed project will not result in significant impacts on the environment
 - The proposed pre-zoning designations will result in a zoning designations for the subject site that are consistent with the existing and approved land uses and zoning designations surrounding the site

- The pre-zoning designations will provide for conservation areas to protect and buffer existing coastal habitat and biological resources
- The pre-zoning designations will provide for open space – recreation areas that would allow opportunities to enhance coastal access and maintain coastal views
- Pre-zoning of the project site will allow the City to annex the property into the City, which would result in a fiscal benefit to the City and allow for more efficient provision of services

RECOMMENDATION:

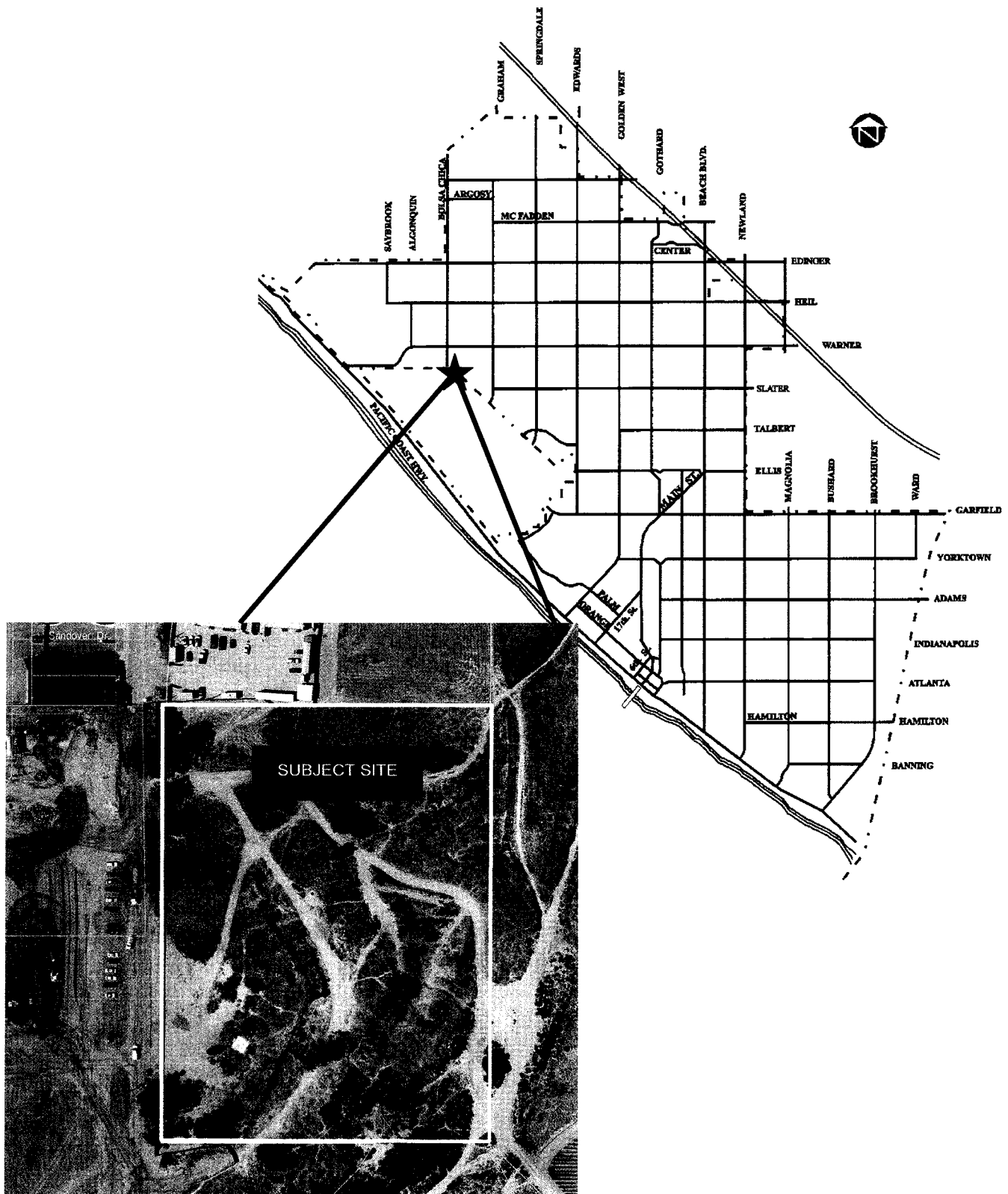
Motion to:

- A. “Approve Recirculated Mitigated Negative Declaration No. 08-017 with findings (Attachment No. 1).”
- B. “Recommend approval of Zoning Map Amendment No. 06-003 with findings for approval (Attachment No. 2) and forward Draft Ordinance (Attachment No. 3) to the City Council for adoption.”
- C. “Approve Annexation No. 06-002 as a minute action and forward recommendation to the City Council.”

ALTERNATIVE ACTIONS:

The Planning Commission may take alternative actions such as:

- A. “Continue Recirculated Mitigated Negative Declaration No. 08-017, Zoning Map Amendment No. 06-003 and Annexation No. 06-002 and direct staff accordingly.”
- B. “Deny Recirculated Mitigated Negative Declaration No. 08-017, Zoning Map Amendment No. 06-003 and Annexation No. 06-002 with findings for denial.”



VICINITY MAP
ZONING MAP AMENDMENT NO. 06-003/ ANNEXATION NO. 06-002/
RECIRCULATED DRAFT MITIGATED NGATIVE DECLARATION NO. 08-017
(GOODELL PROPERTY PRE-ZONING AND ANNEXATION)

PROJECT PROPOSAL:

Annexation No. 06-002 is a City-initiated proposal to annex the approximately 6.2-acre Goodell property, into the City of Huntington Beach. The property is currently located within the jurisdiction of the County of Orange.

Zoning Map Amendment No. 06-003 is a request to amend the City of Huntington Beach Zoning Map to pre-zone the site with the following zoning designations: 3.2 acres of Residential Low Density (RL); 2.0 acres of Open Space – Parks and Recreation (OS-PR); and 1.0 acre of Coastal Conservation (CC). The entire 6.2-acre property would be designated with a Coastal Zone (CZ) Overlay (refer to Attachment No. 6).

Recirculated Mitigated Negative Declaration No. 08-017 analyzes the potential environmental impacts associated with the pre-zoning and annexation of the subject site (refer to Attachment No. 4).

The City agreed to process this annexation at the request of the Orange County Local Agency Formation Commission (LAFCO) in conjunction with the annexation of the Brightwater Residential Project into the City of Huntington Beach. The annexation of Brightwater resulted in the subject site becoming an unincorporated “island,” which is contrary to LAFCO policies. Pre-zoning is required for the annexation to be approved.

ISSUES:

Subject Property and Surrounding Land Use, Existing Zoning, and Existing General Plan Designations:

The site is currently undeveloped and consists of large cleared or graded areas, ruderal, non-native and ornamental vegetation, chenopod scrub, informal walking and bike trails and the foundation of a World War II-era bunker. The eastern portion of the site consists of a slope approximately 50 feet higher than the adjacent property to the east. Historically, the entire project site has been disturbed by previous uses, including agriculture, World War II activities and terracing for a pole yard. An underground structure containing a plotting and switchboard room was built by the U.S. Army to support Battery 128 on the site in 1943.

The current County of Orange zoning designation is Planned Community (PC) with a General Plan land use designation of Suburban Residential (0.5 – 18 du/ac). The state-owned 118-acre Lower Bench of the Bolsa Chica Mesa is located southwesterly of the subject property, and the Brightwater Development, a single-family residential subdivision consisting of 349 homes currently under construction and open space conservation areas, is located immediately west and southwest of the project site. An undeveloped 5-acre site, owned by Hearthsides Homes and located within the City of Huntington Beach, is located north of the project site. An application has been submitted for the development of 22 single-family residences on the adjacent 5-acre site. Property owned by Shea Homes and approved by the City for single-family residential development (Parkside Estates) with trails and open space conservation areas is adjacent to the

project site on the east, approximately 50 feet below the subject site. An existing grove of eucalyptus trees, designated as an Environmentally Sensitive Habitat Area, is located south of the subject site.

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Suburban Residential (0.5 – 18 du/ac) – County of Orange	PC (Planned Community) – County of Orange	Undeveloped
North of subject property	OS-P (Open Space – Parks)	RA-CZ (Residential Agricultural – Coastal Zone)	Undeveloped; construction staging site for Brightwater development
East and southeast of subject property	RL-7 (Residential Low Density – 7 du/ac); OS-C (Open Space – Conservation)	RL-CZ (Residential Low Density – Coastal Zone); CC (Coastal Conservation)	Shea property – approved by the City for single-family residential and open space
West and southwest of subject property	Undesignated	SP15 – Brightwater Specific Plan	Brightwater Residential Development – 349 single-family homes and 37.1 acres of habitat restoration and public trail area

General Plan Conformance:

The Goodell property is currently located within unincorporated Orange County and does not have a City of Huntington Beach General Plan Land Use designation. Once annexation has taken place, a general plan amendment and a local coastal program amendment to establish land use designations in the General Plan Land Use Element and the City’s Certified Local Coastal Program will be required. The proposed pre-zoning and annexation is consistent with the goals and objectives of the City’s General Plan as follows:

A. Land Use Element

Goal LU3: Achieve the logical, orderly, and beneficial expansion of the City’s services and jurisdictional limits.

Objective LU3.1: Ensure that any proposed annexation is consistent with the overall objectives and does not adversely impact fiscal or environmental resources, and public services and infrastructure of the City of Huntington Beach.

Policy LU3.1.1: Require that any lands proposed for annexation are contiguous with the City.

Policy LU3.1.2: Require that the existing and future land uses located within the proposed annexation area are compatible with the adjacent City land uses.

Program I-LU 23: Annexation Feasibility Study Upon receipt of a request for annexation, the City shall conduct an “annexation feasibility study” to determine whether the proposed annexation:

- a. is adjacent to existing corporate boundaries;
- b. contains or will contain land uses that are compatible with City land uses;
- c. contains or will contain land uses that have the ability to provide economic benefit to the City;
- d. would place an undue or excessive burden on the City's or other service provider's ability to provide services; and
- e. would place an undue burden on school and other public services.

The proposed annexation is within the City's sphere of influence and is contiguous with the City boundary on all sides. The proposed annexation is a logical and orderly extension of the City's boundaries and services. The proposed zoning of the project site consists of single-family residential and open space/conservation areas that are consistent with existing, approved or under-construction single-family development adjacent to the project area on the east, and west and northwest and the open space areas to the east, south and southwest. The zoning would also be consistent with the RA (Residential Agricultural) zoning to the north that allows agricultural uses and single-family development. In addition, the residential zoning designation on the subject site would not conflict with the OS-P (Open Space – Parks) General Plan land use designation on the site to the north as it is common throughout the City to find uses allowed by the residential zoning designation, single-family homes in particular, adjacent to parks and land designated as OS-P.

Upon annexation of the site into the City of Huntington Beach, police and fire/emergency services would be provided directly by the City of Huntington Beach. The City's Fire and Police Departments have indicated that the proposed project would not result in reduced response times or the need for additional personnel. Other service providers such as schools and libraries will not change with annexation of the site.

An annexation study on the fiscal impacts from the annexation of the site into the City was prepared by RSG, Inc. The study concluded that annexation of the site would result in a fiscal benefit to the City. The study will be considered by the City Council prior to their action on the annexation of the site.

Goal LU5: Ensure that significant environmental habitats and resources are maintained.

The proposed pre-zoning designations include one acre of Coastal Conservation area that would protect chenopod scrub habitat in addition to providing a buffer for identified wetland features on the adjacent Shea property. The proposed Coastal Conservation and Open Space – Parks and Recreation areas, which total three acres, would provide a minimum 100-foot buffer from residentially zoned areas to the existing eucalyptus ESHA south of the project site in accordance with current City requirements.

The environmental assessment identifies existing biological resources on and adjacent to the site. Although development of the site is not reasonably foreseeable, the environmental assessment recommends mitigation measures for the protection of the identified biological resources should development be proposed on the site in the future.

B. Coastal Element

Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Although the project consists of pre-zoning and annexation only, if approved, an amendment to the City's certified Local Coastal Program would be required in the future. The proposed pre-zoning designations would ensure that the Coastal Land Use designations would be consistent with the above goal. The Coastal Conservation designation would protect coastal habitat on the site. In addition, the three acres of open space/conservation area along the southern and eastern boundaries of the site would provide a buffer from the residentially zoned areas on the site to off-site resources such as the eucalyptus ESHA to the south and the Agricultural Pond wetland area to the east. The intent of the Open Space – Parks and Recreation area is to provide for public views from this part of the mesa to the wetlands and open space in the vicinity.

Policy C 1.1.8: The City shall, at a minimum, consider the following when evaluating annexation proposals in the Coastal Zone:

1. Is the area to be annexed adjacent to existing corporate boundaries?
2. Does/will the area to be annexed contain land uses that are compatible with City land uses?
3. Does/will the area to be annexed contain land uses that have the ability to provide economic benefit to the City?
4. Would the area to be annexed place an undue burden or excessive burden on the City's or other service provider's ability to provide services?
5. Would the area to be annexed place an undue burden on school and other public services?

The proposed project is consistent with the above policy as discussed under Land Use Element goals and policies above.

Objective C 4.1: Provide opportunities within the Coastal Zone for open space as a visual and aesthetic resource.

Although the project only proposes pre-zoning and annexation of the Goodell property, the proposed pre-zoning designations would establish three acres (approximately 48% of the site) of open space/conservation area on the site. These areas would provide opportunities for coastal views from the southern portion of the site in addition to preservation of existing landforms within the proposed Coastal Conservation area that would ensure that existing views of the slope from the closest vantage point of the East Garden Grove – Wintersburg Flood Control Channel would be maintained.

C. Environmental Resources Conservation Element

Goal ERC 2: Protect and preserve significant habitats of plant and wildlife species, including wetlands, for their intrinsic value.

The project furthers this goal by providing for the protection and enhancement of biological resources on the subject site. The proposed pre-zoning designations include one acre of Coastal Conservation

area that would protect chenopod scrub habitat in addition to providing a buffer for identified wetland features on the adjacent Shea property.

The environmental assessment identifies existing biological resources on and adjacent to the site. Although development of the site is not reasonably foreseeable, the environmental assessment recommends mitigation measures for the protection of the identified biological resources should development be proposed on the site in the future.

D. Historic and Cultural Resources Element

Objective HCR 1.1: Ensure that all the City's historically and archeologically significant resources are identified and protected.

Recirculated draft MND No. 08-017 states that the subject property includes part of the archeological site CA-ORA-144 ("The Water Tower Site"), which is part of the larger archeological site CA-ORA-83 ("The Cogged Stone Site"). The recirculated draft MND identifies that it is likely that the project area contains intact subsurface deposits that may be important to local and regional prehistory. Only one archeological excavation has occurred on the site. In 1963, two hand-excavated units were dug, but only produced a "few flakes" and no midden deposit was located (SRS 2009). In addition, large portions of the excavated areas of CA-ORA-83 outside of the project boundaries have documented presence of a prehistoric cemetery. Although the subject property is highly disturbed, the recommended mitigation measures require that testing to determine the extent of archeological resources on the site, including presence or absence of subsurface deposits, be conducted prior to submittal of a development proposal. The mitigation measure also recommends consideration of in-situ preservation if site remnants are found. The incorporation of the proposed mitigation measure would ensure that archeological resources are identified, evaluated for significance and protected and/or excavated as necessary.

The subject property contains a large underground World War II era bunker that was constructed as part of the Bolsa Chica Military Reservation in 1943. In the event the bunker is proposed to be demolished, the recommended mitigation measures require documentation using the same methodology that was utilized for the removal of other buildings on the Bolsa Chica Military Reservation. The mitigation measure also requires that photo documentation be made available for further studies.

Zoning Compliance: Not applicable. No development is proposed for the site.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

Draft Mitigated Negative Declaration (MND) No. 08-017 was prepared to analyze the potential environmental impacts from the proposed project. Although development of the site is not reasonably foreseeable at this time, the draft MND identified mitigation measures, based on information contained in technical reports, in the impact areas of biological and cultural resources that would be required to be incorporated if development of the property were proposed in the future. Draft MND No. 08-017 was

made available for public review from March 26, 2009 to April 24, 2009. Comments received during the comment period identified presence of biological resources on the property, specifically southern Tarplant, that were not identified in the draft MND and supporting technical reports. Subsequent to the comment period, an updated biological survey was prepared as well as an updated cultural resources report. Based on the information contained in the comment letters as well as the updated technical reports, revisions to the draft MND were made including the addition of two new mitigation measures. These changes resulted in a requirement to recirculate the draft MND in accordance with the provisions of CEQA. Recirculated Draft MND No. 08-017 was made available for a 30-day public review period from July 27, 2009 to August 25, 2009. All comments received on Draft MND No. 08-017 and Recirculated Draft MND No. 08-017 as well as responses to each comment, are included in Attachment 5 to this report.

Previous environmental review of the subject property included Recirculated Environmental Impact Report (EIR) No. 551, which analyzed a proposed County Land Use Plan that included development of 2,500 homes on the Bolsa Chica and Huntington Beach Mesas including the subject site. Although the Land Use Plan was never adopted, the County Board of Supervisors certified the Recirculated EIR in June, 1996. Development of the entire subject site was analyzed in Recirculated EIR No 551 as part of a larger 34-acre planning area within the Bolsa Chica at a density of 6.5 – 12.5 dwelling units per acre.

Environmental Board Comments:

The Environmental Board was notified of draft MND No. 08-017 as well as Recirculated draft MND No. 08-017. The Environmental Board initially commented on draft MND No. 08-017 regarding the level of detail on the maps included in the document and concerns from the public regarding biological resources. Staff attended the Environmental Board meeting of August 6, 2009 in which the Board considered Recirculated draft MND No. 08-017. Although, no comment letter was submitted from the Board, the Board indicated that their initial comments on draft MND No. 08-017 had been addressed in Recirculated draft MND No. 08-017.

Prior to any action on Zoning Map Amendment No. 06-003 and Annexation No. 06-002, it is necessary for the Planning Commission to review and act on Recirculated Mitigated Negative Declaration No. 08-017. Staff, in its initial study of the project, is recommending that the recirculated mitigated negative declaration be approved with findings.

Coastal Status:

The project area is located within the Coastal Zone. The subject site is currently located within the jurisdiction of Orange County and is not included within the City of Huntington Beach Local Coastal Program. After annexation, an amendment to the City's Local Coastal Program will be required to establish land use designations for the site. The Local Coastal Program Amendment is subject to review and approval by the California Coastal Commission before the site becomes certified as part of the City's Local Coastal Program.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The conclusions of Recirculated Draft MND No. 08-017 were developed in coordination with other City departments including Fire, Community Services and Public Works. Each department has also analyzed annexation of the property for an Annexation Feasibility Study, which will be presented to the City Council. Additionally, the City has been working with the County of Orange and LAFCO regarding annexation procedures.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on October 1, 2009, and notices were sent to property owners of record and occupants within a 1,000 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and persons that commented on the environmental document. As of October 6, 2009, no communication supporting or opposing the request has been received. Comments on the Recirculated draft MND, including responses to comments, are included in Attachment No. 6.

Application Processing Dates:

DATE OF COMPLETE APPLICATION

Environmental Assessment (MND), Zoning Map Amendment (ZMA), Annexation: July 10, 2009

MANDATORY PROCESSING DATE

- Draft MND: Within 180 days of complete application: January 6, 2010
- Legislative Action: Not Applicable

ANALYSIS:

Currently the entire site is zoned as Planned Community in the County of Orange and the County of Orange General Plan land use designation for the site is suburban residential. Allowable uses for the site include low and medium density residential development. The proposed pre-zoning designations are depicted in Attachment No. 6 and include the following breakdown of land uses:

TABLE 1 – PROPOSED PRE-ZONING DESIGNATIONS

Zoning Designation	Acreage (approximate)
RL	3.2
CC	1.0
OS-PR	2.0
Total	6.2

The proposed pre-zoning designations would result in the conversion of three acres of existing residentially-zoned property to open space/conservation area. However, staff believes that the proposed pre-zoning designations provide a balance of residentially zoned areas that would still afford the property owner rights to use the property with open space areas that would protect existing resources within and adjacent to the site.

Land Use Compatibility

With the proposed RL zoning designation, the site would allow development of up to 22 dwelling units based on the RL zoning provisions of seven dwelling units per net acre. Other uses that could potentially be developed on the subject site in the future, provided all applicable codes and regulations can be complied with are: limited day care and residential care homes, nurseries and horticulture facilities and wireless communications facilities.

The CC zoning designation is intended to preserve chenopod scrub habitat on the site and protect environmentally sensitive species within and adjacent to the project site. This area consists of steep bluffs and would not be allowed to be developed. In addition, the CC designated area contains a small fraction of the required 100-foot buffer from the Agricultural Pond area that was designated as wetlands on the adjacent Shea property located at the toe of the slope.

The majority of the OS-PR designated area is in a slope; however, a small 0.5-acre area in the southwest portion of the site is relatively flat overlooks the wetlands, lowlands and ESHA below. Because this area overlooks the wetlands, lowlands and ESHA below, it would be conducive to future use as a public viewpoint. This area may also be a start/finish area for users of the existing decomposed granite trail along the boundary of the Brightwater development adjacent to the project site. The remaining portion of the OS-PR designation consists of the sloped area between the RL zoned portion of the site and the Shea property to the east, which begins at the toe of the slope. The OS-PR zoning would allow for revegetation and recreational use of this area.

The proposed pre-zoning designations of residential – low density, open space and conservation are compatible with surrounding zoning designations and existing land uses in the area surrounding the Goodell property. Existing, under-construction and approved single-family development is adjacent to the subject property on the northwest, west and east, respectively. Open space/conservation areas are immediately adjacent to the site on the east, south and southwest. Undeveloped property to the north is zoned Residential Agricultural (RA) and the General Plan land use designation is Open Space – Parks (OS-P). As discussed in the General Plan Conformance section of this report, the proposed pre-zoning designations would be compatible with the allowable uses for both of these designations.

Environmental Impacts

Recirculated draft MND No. 08-017 analyzes potential impacts of the proposed pre-zoning and annexation. CEQA guidelines require that a project be evaluated for all direct and indirect physical changes from a project. For example, a direct physical change would include noise impacts from construction of a new water treatment facility. An indirect physical change would include potential increases in population due to the additional water treatment capacity the new facility would provide, which could then result in other impacts such as air pollution and traffic. CEQA guidelines also require that indirect physical changes be evaluated when the impacts are reasonably foreseeable. Given that the proposed pre-zoning and annexation does not include a development project, and it is speculative to assume if a project would be proposed for the site as well as the type of project that may be proposed, indirect physical impacts from the pre-zoning and annexation are not reasonably foreseeable. In addition, since existing zoning for the entire site is residential, the pre-zoning and annexation of the site into the City cannot be construed as facilitating development of the site such that indirect physical changes are

reasonably foreseeable. To this end, the “project,” which is the pre-zoning and annexation of the Goodell site, would not result in significant environmental impacts. Because there are biological and cultural resources in the vicinity of the site, the City retained consultants to prepare technical reports for biological and cultural resources as part of the environmental assessment. These reports recommended mitigation measures in the event that development were ever to be proposed. These mitigation measures have been included in the recirculated draft MND and represent the minimum mitigation measures that would be required for a development project on the site. It should be noted that additional environmental analysis may be warranted to evaluate impacts of a specific project should development be proposed on the site in the future. At a minimum, the mitigation measures recommended in Recirculated draft MND No. 08-017 would be required in addition to any other mitigation measures that are identified for a particular project to reduce potential environmental impacts.

Annexation

The City’s General Plan requires the preparation of an Annexation Feasibility Study to determine whether the proposed annexation is compatible with City land uses, has the ability to provide economic benefit to the City and whether the proposed annexation would place an undue or excessive burden on the City and/or School Districts’ ability to provide public services for the site. An Annexation Study was prepared by RSG, Inc. for the City. The study evaluated three scenarios to determine the fiscal impact on the City if the property is annexed with the proposed pre-zoning designations. Two of the scenarios examined the fiscal impacts if the property were to be developed in the future based on the allowable uses under the proposed pre-zoning designations. The third scenario analyzed the fiscal impacts of the annexation of the property in its current undeveloped state with no development. Under all three scenarios, the study concludes that the City would realize a fiscal benefit from annexation of the property. The Goodell property is adjacent to City boundaries on all sides and, as such, will eliminate an existing “island” of unincorporated County area in the Bolsa Chica area.

The subject property is presently served by the Huntington Beach Union High School District and the Ocean View School District, both of which will continue to serve the site after annexation. The potential impacts on the City’s Fire and Police Departments services were analyzed within the recirculated draft MND. The environmental document concluded that the site could be adequately served by existing resources within both departments.

ATTACHMENTS:

1. Suggested Findings for Approval – Recirculated MND No. 08-017
2. Suggested Findings for Approval - ZMA No. 06-003
3. Draft Ordinance for ZMA No 06-003
4. Recirculated Draft Mitigated Negative Declaration No. 08-017
5. Response to Comments for Recirculated Draft Mitigated Negative Declaration
6. Pre-zoning Map

ATTACHMENT NO. 1

SUGGESTED FINDINGS

RECIRCULATED MITIGATED NEGATIVE DECLARATION NO. 08-017

SUGGESTED FINDINGS FOR APPROVAL – RECIRCULATED MITIGATED NEGATIVE DECLARATION NO. 08-017:

1. Recirculated Mitigated Negative Declaration No. 08-017 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on Recirculated Mitigated Negative Declaration No. 08-017, Annexation No. 06-002 and Zoning Map Amendment No. 06-003.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Although the project itself would not result in environmental impacts, mitigation measures address impacts to biological and cultural resources in the event that development on the site is proposed in the future. However, if development is proposed in the future, additional project-specific environmental analysis may be warranted and additional mitigation measures may be required to address impacts of a particular development proposal.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated, will have a significant effect on the environment. The project consists of establishing pre-zoning designations that are consistent with surrounding designations and cognizant of existing resources on and surrounding the site, for the annexation of the site into the City of Huntington Beach. The pre-zoning and annexation will not create significant environmental impacts. The analysis in Recirculated draft MND No. 08-017 identifies mitigation measures related to biological and cultural resources if development is proposed on the site in the future.

ATTACHMENT NO. 1.1

ATTACHMENT NO. 2

SUGGESTED FINDINGS

ZONING MAP AMENDMENT NO. 06-003

SUGGESTED FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 06-003:

1. Zoning Map Amendment consists of amending District Map 33 (Sectional Map 28-5-11) to pre-zone an approximately 6.2 acre site with 3.2 acres of Residential Low Density (RL); 2.0 acres of Open Space – Parks and Recreation (OS-PR); and 1.0 acre of Coastal Conservation (CC). The entire 6.2-acre property would be designated with a Coastal Zone (CZ) Overlay. Zoning Map Amendment No. 06-003 is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan because the pre-zoning designations provide for land uses that are compatible with adjacent existing or approved single-family residential uses to the northwest, west and east as well as open space/conservation areas that are adjacent to the south, southwest and east. The proposed pre-zoning designations would protect existing biological resources within and surrounding the site. The proposed open space/conservation designations would provide a buffer for the environmentally sensitive habitat area south of the site. Finally, the pre-zoning designations would provide for future coastal access opportunities as well as maintenance of existing views to the site.
2. In the case of a general land use provision, the zoning map amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The pre-zoning designations are compatible with existing zoning designations for the surrounding area and would be consistent with the current existing residential zoning and land use designations of the County of Orange.
3. A community need is demonstrated for the change proposed. The pre-zoning of the site will allow the City to move forward with the annexation of the site, which would result in a fiscal benefit for the City. The pre-zoning designations will ensure that future uses would be compatible with surrounding existing and approved uses and include open space/conservation areas that would allow for enhanced coastal access and recreation opportunities in the future.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The pre-zoning of the site would allow the City to move forward with annexation of the subject site so that an “island” of unincorporated County land will be eliminated and the City may realize the fiscal benefit of annexation of the site. The pre-zoning designations will be consistent with existing zoning and land use designations surrounding the property and provide for the protection of biological and coastal resources.

ATTACHMENT NO. 2.1

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
DISTRICT MAP 33 (SECTIONAL MAP 28-5-11) OF THE HUNTINGTON
BEACH ZONING AND SUBDIVISION ORDINANCE TO PRE-ZONE THE 6.2-
ACRE "GOODELL" PROPERTY LOCATED IN THE COUNTY OF ORANGE
TO 3.2 ACRES OF RESIDENTIAL LOW DENSITY, 2.0 ACRES OF OPEN
SPACE – PARKS AND RECREATION AND 1.0 ACRE OF COASTAL
CONSERVATION WITH 6.2 ACRES OF COASTAL ZONE OVERLAY
(ZONING MAP AMENDMENT NO. 06-03)**

WHEREAS, pursuant to California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Map Amendment No. 06-03, which pre-zones the 6.2-acre 'Goodell' Property designating 3.2 acres RL (Residential Low Density), 2.0 acres OS-PR (Open Space – Parks and Recreation) and 1.0 acre CC (Coastal Conservation) with a CZ (Coastal Zone) overlay on the entire 6.2 acres; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That the real property that is the subject of this ordinance is generally bounded by Los Patos Avenue to the north and the terminus of Bolsa Chica Street to the west, and is more particularly described in the legal description and map attached hereto as Exhibit A and, incorporated herin by this reference.

SECTION 2. District Map 33 (Sectional Map 28-5-11) of the City of Huntington Beach Zoning and Subdivision Ordinance is hereby amended pursuant to Zoning Map Amendment No. 06-03, to pre-zone 3.2 acres located within the County of Orange to Residential Low Density with Coastal Zone overlay (RL – CZ), 2.0 acres within the County of Orange to Open Space – Parks and Recreation with Coastal Zone overlay (OS-PR – CZ) and 1.0 acre to Coastal Conservation with Coastal Zone overlay (CC – CZ) as shown in Exhibit B, amended Zoning Map, attached hereto and incorporated herein by reference.

SECTION 3. This ordinance shall become effective immediately upon certification by the California Coastal Commission but not less than 30 days after its adoption.

ATTACHMENT NO. 3.1

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the ____ day of _____, 2009.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk


City Attorney

REVIEWED AND APPROVED:

4.20.09
INITIATED AND APPROVED:

City Administrator

Planning Director

ATTACHMENTS:

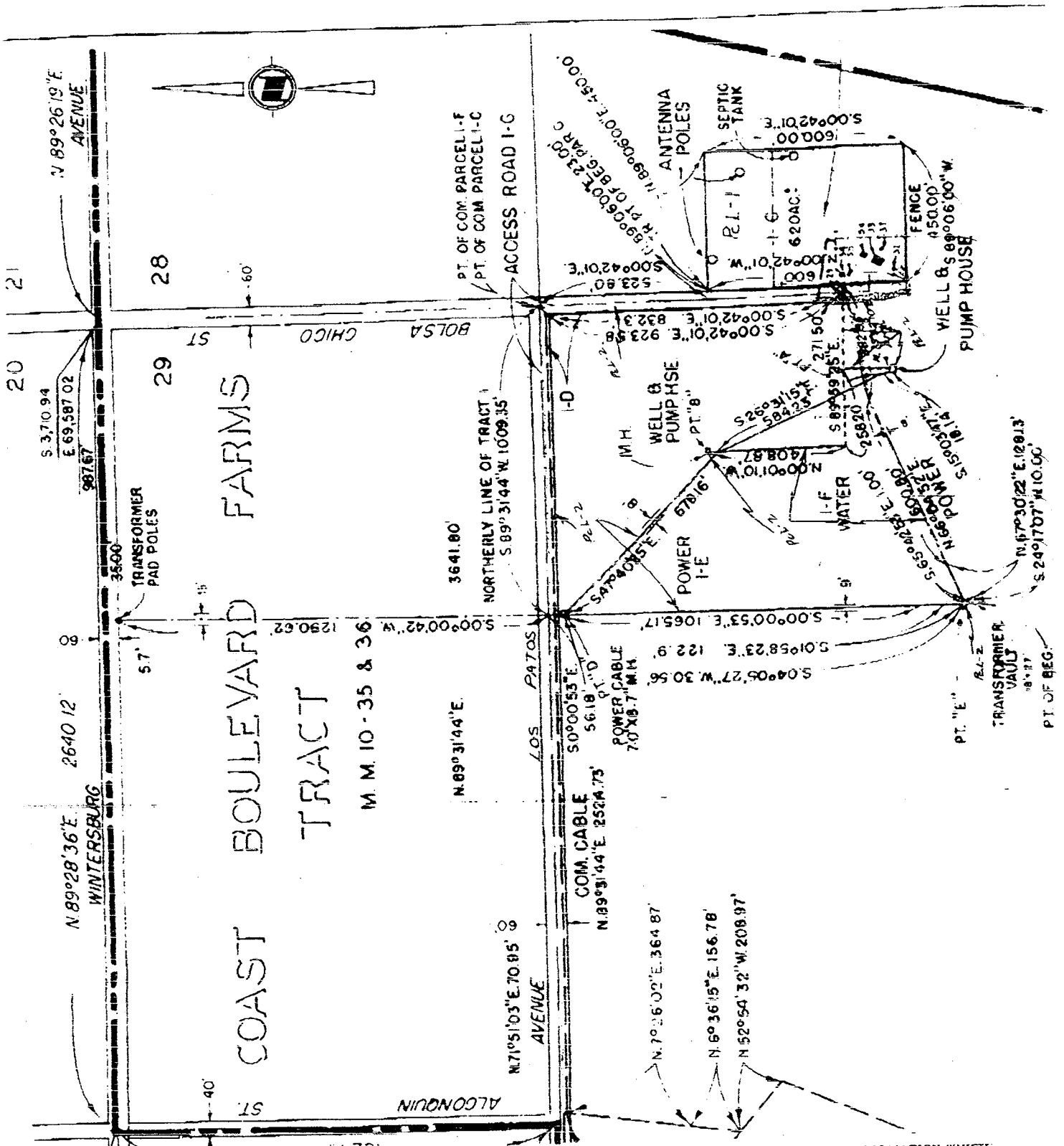
Exhibit A: Legal Description & Map

Exhibit B: Amended Zoning Map

ATTACHMENT NO. 3.2

EXHIBIT A

ATTACHMENT NO. 3.3



PARCEL 1: Commencing at the point of intersection of the center lines of Bolsa Chica Street and Los Patos Avenue, both 60 feet wide, as said streets are shown on the map of Tract No. 86, Block 20, Coast Boulevard Farms, recorded in book 10, pages 35 and 36, Miscellaneous Maps, records of said Orange County; thence South $0^{\circ} 42' 01''$ East 523.80 feet; thence North $89^{\circ} 06' 00''$ East 23.00 feet to the true point of beginning; thence continuing North $89^{\circ} 06' 00''$ East 450.00 feet; thence South $0^{\circ} 42' 01''$ East 600 feet; thence South $89^{\circ} 06' 00''$ West 450 feet; thence North $0^{\circ} 42' 01''$ West 600 feet to the true point of beginning;

EXCEPTING all minerals such as oil, gas, asphaltum and other hydrocarbon substances in and under said land, and the exclusive right to produce such oil, gas, asphaltum and other hydrocarbon substances

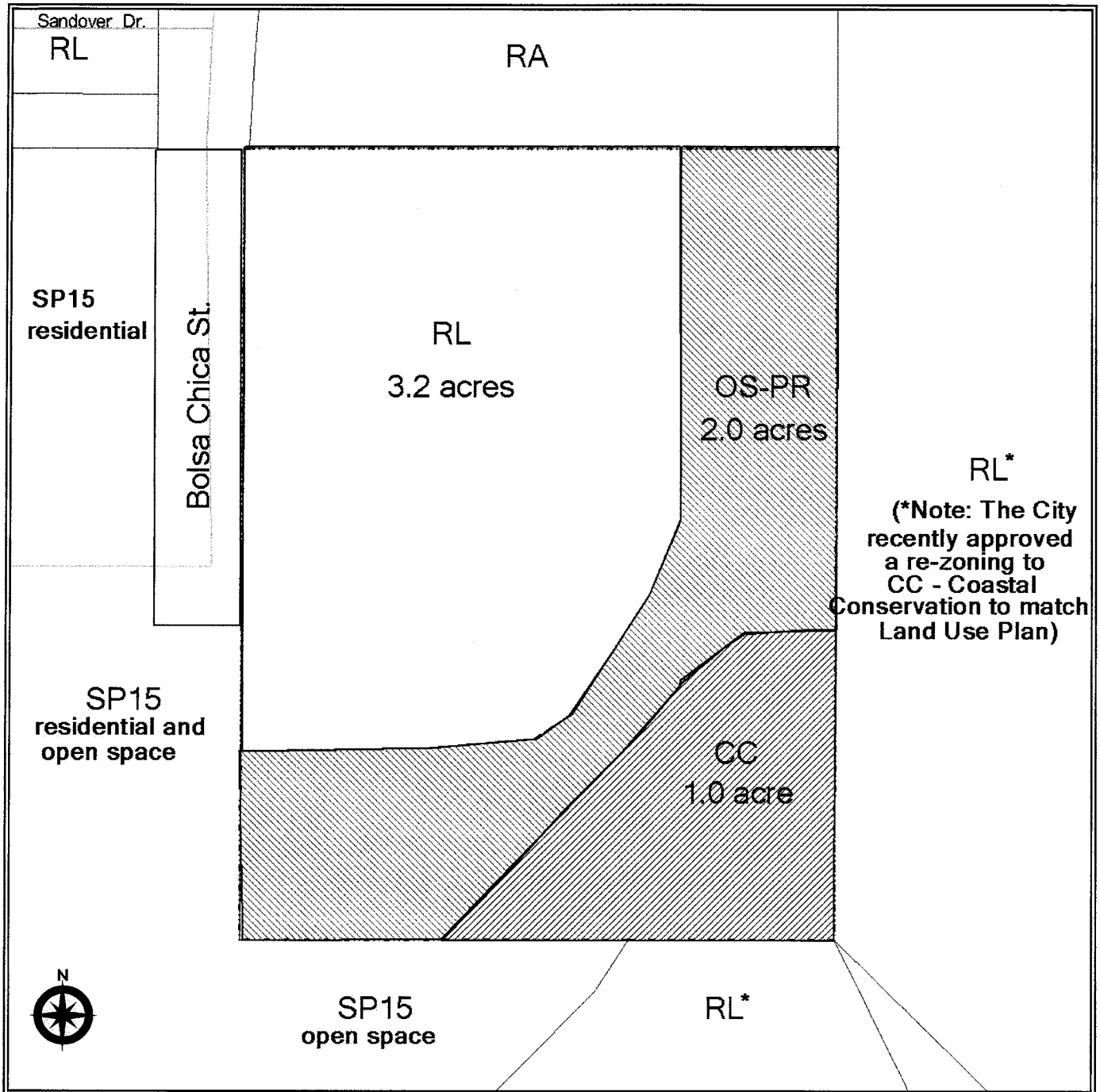
by drilling under the surface of said land from property adjoining said land, and the further exclusive right to drill under and through said land for the purpose of producing oil from under the Pacific Ocean, or from any other property, such rights to be without right to enter upon or use the surface of said land for any purpose or purposes whatsoever, as excepted in Decree on Declaration of Taking No. 3, a certified copy of which was recorded March 26, 1943, in book 1161, page 594, Official Records, in the office of the County Recorder of said Orange County, as amended by decree, a certified copy of which was recorded March 23, 1944, in book 1244, page 186, Official Records, in the office of the County Recorder of said Orange County.

PARCEL 2: Permanent easements 1-f, 1-d, 1-e and 1-g, and other rights, described in paragraph VIII of that certain judgment and decree filed February 11, 1949, in Case No. 2251-B Civil of the United States District Court, in and for the Southern District of California, Central Division, a certified copy of which judgment and decree was recorded May 9, 1949, in book 1840, page 424, Official Records, in the office of the County Recorder of said Orange County, and which permanent easements 1-f, 1-d, 1-e, and 1-g are shown on the copy of Corps of Engineers, District Drawing No. 224-M6, dated June 4, 1948, recorded August 14, 1959, in book 4841, page 391, Official Records, in the office of the County Recorder of said Orange County, with particular descriptions of the areas designated 1-f, 1-d, 1-e, and 1-g thereto attached.

EXHIBIT B

ATTACHMENT NO. 3.6

PROPOSED PRE-ZONING DESIGNATIONS



Legend

RL – Residential Low Density
OS-PR – Open Space-Parks and Recreation
CC – Coastal Conservation
RA – Residential Agricultural
SP15 – Specific Plan 15 (Brightwater)

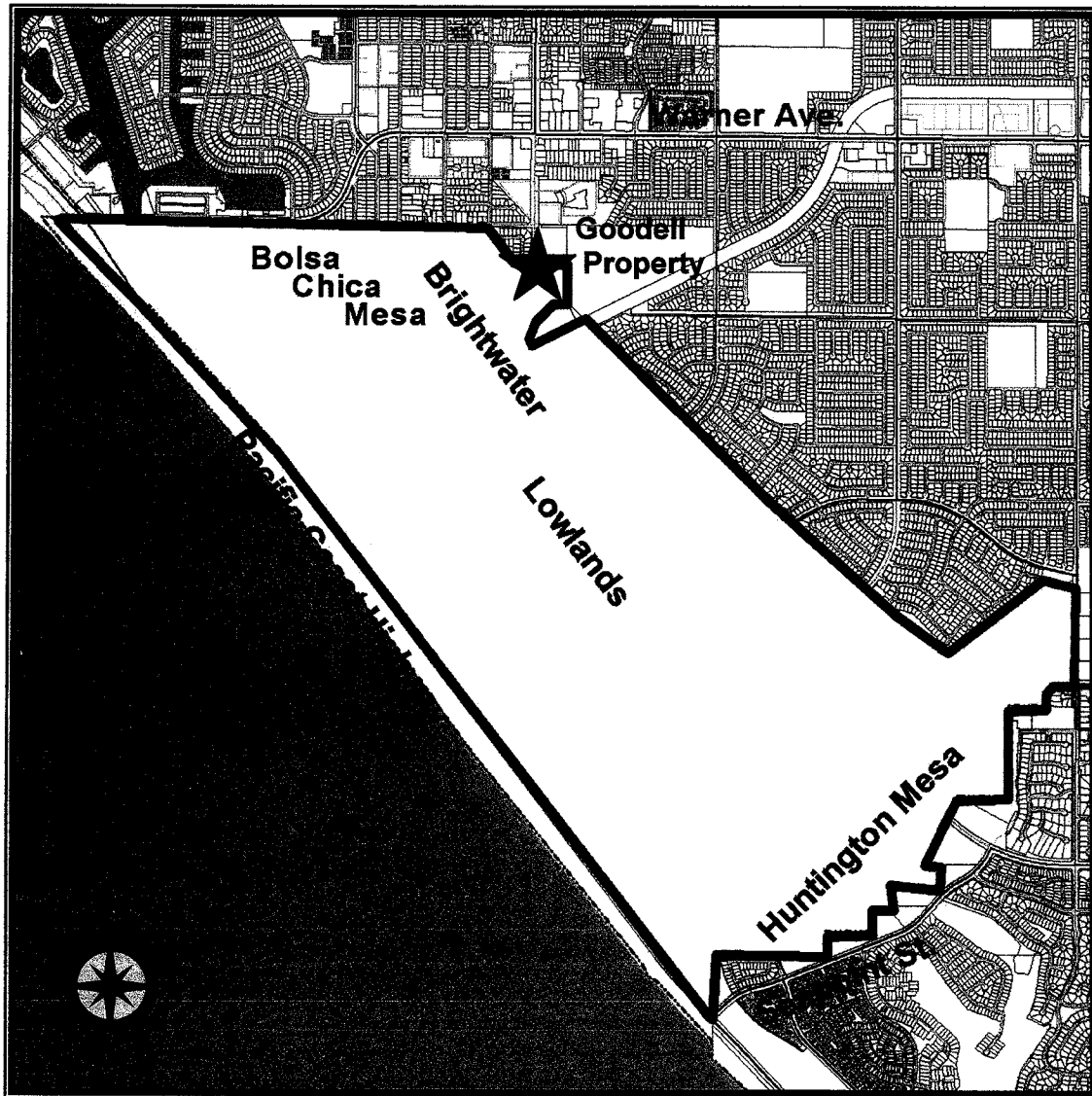
**ENVIRONMENTAL CHECKLIST FORM
CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT
REGULATED ENVIRONMENTAL ASSESSMENT
NO. 06-017**

- 1. PROJECT TITLE:** Goodell Property Pre-Zoning and Annexation
- Concurrent Entitlements:** Zoning Map Amendment (ZMA) No. 06-03 and Annexation No. 06-02
- 2. LEAD AGENCY:** City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
- Contact:** Jennifer Villaseñor, Associate Planner
Phone: (714) 374-1661
Email: jvillaseñor@surfcity-hb.org
- 3. PROJECT LOCATION:** The approximately 6.2 acre site is located at the terminus of Bolsa Chica Street, south of Los Patos Avenue, in an unincorporated area of Orange County, adjacent to the City of Huntington Beach. The site is located on the Upper Bench of an approximately 1,600 acre area commonly known as Bolsa Chica (refer to Figure 1).
- 4. PROJECT PROPONENT:** City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, CA 92648
- Contact Person:** Jennifer Villaseñor
Phone: (714)374-1661
- 5. GENERAL PLAN DESIGNATION:** County of Orange: Suburban Residential (0.5 – 18 du/ac)
- 6. ZONING:** County of Orange: PC (Planned Community)
- 7. PROJECT DESCRIPTION:**

The proposed project involves the pre-zoning and annexation of approximately 6.2 acres of property in the County of Orange unincorporated Bolsa Chica area located on the Upper Bench of the Bolsa Chica Mesa. The City agreed to process this annexation at the request of the Orange County Local Agency Formation Commission (LAFCO) in conjunction with the annexation of the Brightwater

Project into the City of Huntington Beach. The annexation of Brightwater resulted in the subject site becoming an unincorporated "island," which is contrary to LAFCO policies. (Refer to Figure 2).

FIGURE 1 – BOLSA CHICA AREA



LEGEND



Bolsa Chica area

FIGURE 2 – PROJECT LOCATION



Prior to submittal of an annexation application to the LAFCO, the City must establish zoning for the property and adopt the annexation by resolution. Pre-zoning of the subject site includes a Zoning Map Amendment to establish zoning designations of Residential Low Density (RL), Open Space – Parks & Recreation (OS-PR) and Coastal Conservation (CC) for the 6.2 acre site. The entire site will also have a CZ (Coastal Zone) Overlay designation.

The proposed zoning configuration of the site is depicted in Figure 3 and includes the following breakdown of land uses:

Zoning Designation	Acreage (approximate)
RL	3.2
CC	1.0
OS-PR	2.0
Total	6.2

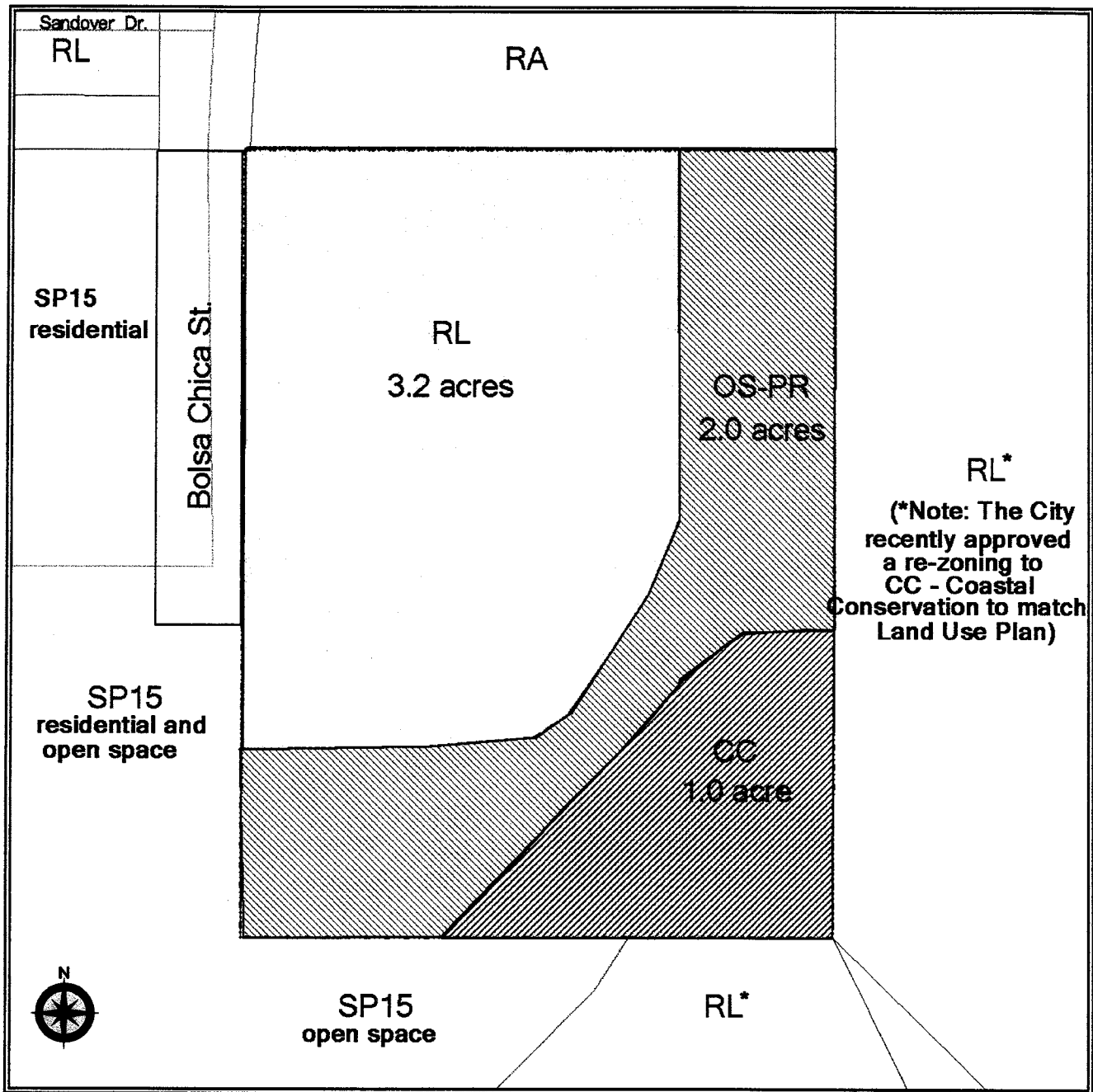
With the proposed RL zoning designation, the site would allow development of up to 22 dwelling units based on the RL zoning provisions of seven dwelling units per acre. Other uses that could potentially be developed on the subject site provided all applicable codes and regulations can be complied with are: limited day care and residential care homes, nurseries and horticulture facilities and wireless communications facilities.

The CC zoning designation is intended to preserve important chenopod scrub habitat on the site and protect environmentally sensitive species within and adjacent to the project site. This area consists of steep bluffs and would not be developed. In addition, the CC designation contains a small fraction of the required 100-foot buffer from the agricultural pond area that was designated as wetlands on the adjacent Shea property located at the toe of the slope.

The OS-PR zoning designation would carve out a small 0.5-acre recreational area in the southwest portion of the site overlooking the wetlands, lowlands and ESHA below. This area may be developed in the future with a bench and walking path to provide users with a tranquil space for reflection and contemplation. This area may also be a start/finish area for users of the existing decomposed granite trail along the boundary of the Brightwater development adjacent to the project site. The remaining portion of the OS-PR designation consists of a sloped area between the RL zoned portion of the site and the Shea property to the east, which begins at the toe of the slope. This area is intended to remain as a passive area and could potentially be enhanced with native and/or coastal vegetation.

No development is proposed for the site. Any development proposed on the site would require a coastal development permit (CDP) and environmental assessment and most likely require a conditional use permit (CUP) and tentative tract map depending on the type of project proposed. Once the zoning of the site has been established and annexation has been approved, the property would also require a general plan amendment and a local coastal program amendment to establish land use designations in the General Plan Land Use Element and the City's Certified Local Coastal Program.

FIGURE 3 – PROPOSED ZONING DESIGNATIONS



Legend

RL – Residential Low Density
 OS-PR – Open Space-Parks and Recreation
 CC – Coastal Conservation
 RA – Residential Agricultural
 SP15 – Specific Plan 15 (Brightwater)

9. SURROUNDING LAND USES AND SETTING:

The site is currently undeveloped and consists of large cleared or graded areas, ruderal, non-native and ornamental vegetation, chenopod scrub, informal walking and bike trails and the foundation of a World War II-era bunker. Historically, the entire project site has been disturbed by previous uses, including agriculture, World War II activities and terracing for a pole yard. An underground structure containing a plotting and switchboard room was built by the U.S. Army to support Battery 128 on the site in 1943.

The state-owned 118-acre Lower Bench of the Bolsa Chica Mesa is located southwesterly of the subject property, and the Brightwater Development, a single-family residential subdivision consisting of 349 homes currently under construction, is located immediately west and southwest of the project site. State-owned lands containing eucalyptus trees and a lowland area between the Mesa and the East Garden Grove Wintersburg (EGGWC) flood control channel are adjacent to the southwest. These areas are state-owned properties established as permanent open spaces. An undeveloped 5-acre site, owned by Hearthside Homes and located within the City of Huntington Beach, is located north of the project site. An application has been submitted for the development of 22 single-family residences on the adjacent 5-acre site. Property owned by Shea Homes and approved for single-family residential development (Parkside Estates) with trails and open space is adjacent to the project site on the east, approximately 50 feet below the subject site.

10. OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION:

Recirculated Environmental Impact Report (EIR) No. 551 was certified by the County of Orange in June, 1996. The EIR analyzed a proposed Land Use Plan for the entire Bolsa Chica area. Although the Land Use Plan was never adopted, the County Board of Supervisors certified the Recirculated EIR, which analyzed development of 2,500 homes on the Bolsa Chica and Huntington Beach Mesas, which included the subject site. Development of the subject site was analyzed as part of a larger 34-acre planning area at a density of 6.5 – 12.5 dwelling units per acre.

In 2002, Subsequent EIR No. 551 was prepared to evaluate the Brightwater project Master Site/Area Plan and Project Site Plans and Vesting Tentative Tract Map 15460 in the County of Orange. The subsequent EIR was required because the project description and environmental setting had changed substantially since certification of the Final Recirculated EIR No. 551, specifically: the substantial decrease in the number of units being analyzed for the Brightwater Development compared to what was previously analyzed for development on the Bolsa Chica Mesa; the State's purchase of a substantial portion of the Lowlands for restoration; and new interpretations of the Coastal Act by the California Court of Appeals. An Addendum to Subsequent EIR No. 551 was approved by the County of Orange in 2005 to address changes in the Brightwater development plans that included a reduction in the number of units from 387 to 349.

10. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED):

Local Agency Formation Commission (LAFCO) approval of the proposed annexation of the subject property is required after completion of the City of Huntington Beach Zoning Map Amendment in order for the annexation to become effective.

Once the pre-zoning of the site has been established and annexation has been approved by LAFCO, a local coastal program amendment is subject to review and approval by the California Coastal Commission before the site becomes certified as part of the City's Local Coastal Program.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

- | | | |
|--|--|--|
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared. ☒

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required. ☐

I find that the proposed project **MAY** have a "potentially significant impact" or a "potentially significant unless mitigated impact" on the environment, but at least one impact (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, **nothing further is required.** ☐

Signature

Printed Name

Jennifer Villaseñor

Date

Title

7-24-09

Associate Planner

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.
 2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
 3. "Potentially Significant Impact" is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, preparation of an Environmental Impact Report is warranted.
 4. Potentially Significant Impact Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVIII, "Earlier Analyses," may be cross-referenced).
 5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVIII at the end of the checklist.
 6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XVIII. Other sources used or individuals contacted have been cited in the respective discussions.
- g) The following checklist has been formatted after Appendix G of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the City of Huntington Beach's requirements.

SAMPLE QUESTION:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
ISSUES (and Supporting Information Sources):				
Would the proposal result in or expose people to potential impacts involving:				
Landslides? (Sources: 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: The attached source list explains that 1 is the Huntington Beach General Plan and 6 is a topographical map of the area which show that the area is located in a flat area. (Note: This response probably would not require further explanation).				

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. Would the project:

- a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: #1, 2, 14, 15, 16 & Figure 3)
- ☐ ☐ ☒ ☐

Discussion: See discussion below.

- b) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources: #1, 2, 14, 15, 16 & Figure 3)
- ☐ ☐ ☐ ☒

Discussion: See discussion below

- c) Physically divide an established community? (Sources: #1, 2, 14, 15, 16 & Figure 3)
- ☐ ☐ ☐ ☒

Discussion a – c: The proposed annexation and pre-zoning of the 6.2-acre project site will not result in a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

The site is currently zoned as Planned Community in the County of Orange. The County of Orange General Plan land use designation for the site is suburban residential and would allow for low and medium density residential development to occur on the site. The 6.2-acre site is proposed to have the following zoning designations: 3.2 acres of Residential Low Density (RL); 2.0 acres of Open Space – Parks and Recreation (OS-PR); and 1.0 acre of Coastal Conservation (CC). The proposed zoning designations for the City of Huntington Beach would permit similar uses that would be permitted under the County designations such as single-family residences and open space areas. In addition, the proposed zoning is consistent with the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), which requires a minimum of two contiguous acres for properties to be zoned with the OS-PR designation.

The proposed pre-zoning and annexation is consistent with the City's General Plan Land Use Element goal LU 3 and related policies LU 3.1.1 and 3.2.1 relating to annexation as follows:

“Achieve the logical, orderly, and beneficial expansion of the City's services and jurisdictional limits.” (Goal LU 3)

“Require that any lands proposed for annexation are contiguous with the City.” (Policy LU 3.1.1)

“Require that the existing and future land uses located within the proposed annexation area are compatible with the adjacent City uses.” (Policy LU 3.1.2)

The proposed annexation is within the City's sphere of influence and is contiguous with the City boundary on the north, south, east and west sides. The proposed project is a logical and orderly extension of the City's boundaries and services. The proposed zoning of the project site consists of

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant	Less Than Significant	No Impact
			Impact	Impact	

single-family residential uses and open space/conservation areas that are consistent with existing, approved proposed or under-construction single-family development adjacent to the project area on the north, east, and west and northwest and the open space areas to the east, south and southwest. The zoning would also be consistent with the RA (Residential Agricultural) zoning to the north that allows agricultural uses and single-family development. In addition, the residential zoning designation on the subject site would not conflict with the OS-P (Open Space – Parks) General Plan land use designation on the site to the north as it is common throughout the City to find residential development, single-family homes in particular, adjacent to parks and land designated as OS-P.

Upon annexation, the project site will require a general plan amendment and local coastal program amendment, subject to approval by the California Coastal Commission (CCC), to establish land use designations in the General Plan Land Use Element and the City's Certified Land Use Plan.

Any future development proposed on the site would require a coastal development permit (CDP) and environmental assessment and most likely require a conditional use permit (CUP) and tentative tract map depending on the type of project proposed. All development would be required to meet the applicable provisions of the City's Local Coastal Program, HBZSO, Municipal Code (HBMC) and all other applicable provisions.

The open space/conservation area is intended to preserve important chenopod scrub habitat on the site and protect potential environmentally sensitive species within and adjacent to the project site. The CC designation contains a small fraction of the required 100-foot buffer from the agricultural pond area that was designated as wetlands on the Shea property adjacent to the subject site at the toe of the slope and is consistent with the Open Space-Conservation designation on the City's Land Use Plan for that property. A 0.5-acre portion of the proposed open space/recreation area is located at the southwest portion of the site and overlooks the Bolsa Chica. This proposed open space area is intended to provide a viewing area of the lowlands, eucalyptus ESHA and wetlands, which are visible from the project site as well as provide recreational open space area that is contiguous with an open space trail for the Brightwater residential development adjacent to the site. The remaining portion of the OS-PR designation consists of a sloped area between the RL zoned portion of the site and the Shea property, which begins at the toe of the slope. This area is intended to remain as a passive area and could potentially be enhanced with new vegetation.

The project will not physically divide an established community and does not conflict with a habitat conservation plan or natural community conservation plan as there are not any adopted for the City of Huntington Beach.

II. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extensions of roads or other infrastructure)? (Sources: #1, 2 & Figure 3) ☐ ☐ ☒ ☐

Discussion: See discussion below.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources: #1, 2 & Figure 3) ☐ ☐ ☐ ☒

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	-----------

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources: #1, 2 & Figure 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion a – c: The site is currently vacant; no existing homes or residents will be demolished or displaced. The annexation and pre-zoning of the 6.2 acre property does not propose construction of housing that would induce population growth in the City of Huntington Beach. The proposed project establishes zoning on the subject site that would allow for the development of up to 22 residential units on a portion of the property. The 2008 Housing Element indicates that the average household size in Huntington Beach is 2.56 persons, which would result in potentially 57 new residents in the City. This represents 0.03% of the total population of Huntington Beach, which would not be considered substantial population growth.

As discussed in Section I. Land Use and Planning, residential uses were anticipated for this area as part of the Planned Community zoning designation in the County of Orange. However, since the property is not currently within the City of Huntington Beach, the project would allow for residential uses not previously accounted for in the General Plan. The General Plan identifies an increase of 18,500 new units to the year 2010. Future residential development on the project site would not result in substantial population growth in the context of allowed General Plan growth, nor in combination with anticipated and planned growth as identified in the City's 2008 Housing Element. Less than significant impacts would occur.

GEOLOGY AND SOILS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Sources: #5 & 13) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| ii) Strong seismic ground shaking? (Sources: #5 & 13) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| iii) Seismic-related ground failure, including liquefaction? (Sources: #5 & 13) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| Landslides? (Sources: #5 & 13) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	-----------

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in substantial soil erosion, loss of topsoil, or changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: #5 & 13) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources: #5 & 13) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources: #5 & 13) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater (Sources: #5 & 13) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion a – e: Although the seismically active Newport-Inglewood Fault crosses the Bolsa Chica area, the fault does not traverse the project site. In addition, previous environmental analysis (Recirculated EIR No. 551) indicates that potential for liquefaction and subsidence to occur on the site is low. Due to the steep natural slopes that exist on the site, there is potential for slope instability and erosion of the bluffs if disturbance activities were to occur.

The project involves the pre-zoning and annexation of a 6.2-acre site currently located in unincorporated County of Orange. The project would not result in impacts to geology and soils and does not contemplate development of the site. However, a portion of the site is proposed to be zoned for single-family residential uses and would allow for a range of residential uses as well as limited commercial use classifications such as nurseries and wireless communication facilities. Impacts related to geology and soils would be analyzed if and when development is proposed. No impacts would occur.

IV. **HYDROLOGY AND WATER QUALITY.** Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? (Sources: #5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted? (Sources: #5)				
Discussion: See discussion below.				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site? (Sources: #5)		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site? (Sources: #5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (Sources: #5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
f) Otherwise substantially degrade water quality? (Sources: #5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources: #8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
h) Place housing within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources: #8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a result of the failure of a levee or dam? (Sources: #8)				
Discussion: See discussion below				
j) Inundation by seiche, tsunami, or mudflow? (Sources: #5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
k) Potentially impact storm water runoff from construction activities? (Sources: #5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
l) Potentially impact storm water runoff from post-construction activities? (Sources: #5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
m) Result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? (Source: #5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
n) Result in the potential for discharge of storm water to affect the beneficial uses of the receiving waters? (Sources: #5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
o) Create or contribute significant increases in the flow velocity or volume of storm water runoff to cause environmental harm? (Sources: #5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
p) Create or contribute significant increases in erosion of the project site or surrounding areas? (Sources: #5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion a – p: The 6.2-acre project site is undeveloped and does not contain any streams or rivers. However, designated wetland areas east of the subject site on the Shea Property are located within 200 feet of the site and the East Garden Grove Wintersburg Flood Control Channel (EGGWC) is located southeast of the project site. Previous environmental analysis (Recirculated EIR No. 551) for the Bolsa Chica area indicates that potential for tsunami and seiche to impact the Bolsa Chica mesa is considered very remote due to the site's higher elevation above mean sea level and insulation provided by the inner Bolsa Bay. Although a majority of the site is located in FEMA Flood Zone X, including the area that would be zoned for residential uses, a small portion of the site at the lowest elevation along the base of the bluff is located within Flood Zone A.

The project involves the pre-zoning and annexation of a 6.2-acre site currently located in unincorporated County of Orange. The project would not result in impacts to hydrology and water quality and does not contemplate development of the site. However, a portion of the site is proposed to be zoned for single-family residential uses and would allow for a range of residential uses as well as limited commercial use classifications such as nurseries and wireless communication facilities to be proposed. Impacts related to hydrology and water quality would be analyzed if and when development is proposed. No impacts would occur.

V. AIR QUALITY. The city has identified the significance criteria established by the applicable air quality management district as appropriate to make the following determinations. Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources: #9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Expose sensitive receptors to substantial pollutant concentrations? (Sources: : #9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Create objectionable odors affecting a substantial number of people? (Sources: : #9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: #9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: : #9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion a – e: The City of Huntington Beach is located within the South Coast Air Basin. The entire Air Basin is designated as a national-level nonattainment area for ozone, carbon monoxide (CO), respirable particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}). The Basin is also a State-level nonattainment area for ozone, PM₁₀ and PM_{2.5}.

The project involves the pre-zoning and annexation of a 6.2-acre site currently located in unincorporated County of Orange. The project would not result in impacts to air quality and does not contemplate development of the site. However, a portion of the site is proposed to be zoned for single-family residential uses and would allow for a range of residential uses as well as limited commercial use classifications such as nurseries and wireless communication facilities to be proposed. Impacts related to air quality would be analyzed if and when development is proposed. No impacts would occur.

VI. TRANSPORTATION/TRAFFIC. Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (e.g., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections? (Sources: #1, 6 & 17) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Sources: #1, 6 & 17) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources: #1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources: #1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in inadequate emergency access? (Sources: #1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Result in inadequate parking capacity? (Sources: #1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Sources: #1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a – f: Existing intersections near the project site at Bolsa Chica Street/Warner Avenue and Bolsa Chica Street/Los Patos Avenue operate at acceptable levels of service. Previous environmental documentation (Subsequent EIR No. 551) for the Brightwater residential development, which analyzed the development of 387 single-family units on land adjacent to the project site, studied several intersections that are within the vicinity of the subject site. These intersections included Bolsa Chica Street at Warner Avenue and Bolsa Chica Street at Los Patos Avenue. The results of the study indicated that project traffic for the Brightwater Development in the year 2005 (assuming construction of 300 homes had occurred) as well as long-term project traffic would not change the level of service (LOS) at any of the study intersections under “without project” baseline and long-term conditions. In terms of the intersection of Pacific Coast Highway at Warner Avenue, although the LOS would not change, the existing LOS at the intersection of Pacific Coast Highway at Warner Avenue was considered unacceptable and the development of the Brightwater residential project would further impact the intersection. Physical constraints of the intersection and Coastal Act requirements pertaining to the presence of coastal wetlands along Warner Avenue prevented the implementation of any feasible mitigation measures at that time. It is important to note that an Addendum to Subsequent EIR No. 551 was certified in 2005 based on changes to the Brightwater residential project that included a reduction in the number of units from 387 to 349, but did not negatively affect the conclusions of the earlier traffic/transportation analysis for the project.

The project involves the pre-zoning and annexation of a 6.2-acre site currently located in unincorporated County of Orange. The project would not result in impacts to traffic and transportation and does not contemplate development of the site. Although future development of the subject site would likely be single-family residential units, other uses consistent with the Residential Low Density (RL) zoning of the site could potentially be developed. Given the size of developable land and likely potential uses, the annexation and pre-zoning of the site for future development in the City would not result in significant impacts to traffic even when combined with the completion of the Brightwater residential development. However, impacts related to traffic and transportation would be analyzed if and when development is proposed. No impacts would occur.

VII. BIOLOGICAL RESOURCES. Would the project:

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|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources: #3, 18) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: See discussion below.

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|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources: #3, 18) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: See discussion below.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: #3, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion: See discussion below.				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (Sources: #3, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussion: See discussion below.				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources: #3, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion: See discussion below.				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources: #3, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a – f: The proposed project is for the pre-zoning and annexation of a 6.2-acre site. The proposed zoning includes approximately 3.2 acres for single-family residential (RL) uses, 1.0 acre for Coastal Conservation (CC) area and approximately 2.0 acres designated as Open Space – Parks and Recreation (OS-PR).

Existing Setting

The site is currently undeveloped and consists of large cleared or graded areas, ruderal, non-native and ornamental vegetation, chenopod scrub, informal walking and bike trails and the foundation of a World War II-era bunker. The chenopod scrub area is approximately 0.23 acres in size and located in the southeastern portion of the site along the bluff. ~~In addition, six shrubs were planted in the spring of 2007 adjacent to the chenopod scrub patch as a mitigation measure for the removal of nesting trees from the site.~~ The chenopod scrub patch and adjacent shrubs are located in the area that would be zoned for Coastal Conservation. There are three eucalyptus trees on the site. Also, mature eucalyptus trees are located on the adjacent property to the west, along the western boundary of the subject site. These trees would be preserved in place by Signal/Hearthside, the owner of the adjacent property. ~~A Monterey pine tree and a Mexican elderberry shrub were also planted as mitigation for the removal of trees on the site.~~ In addition, two Monterey pine trees and a Mexican elderberry shrub, which are located in the proposed OS-PR designated area, also exist on the site. A grove of eucalyptus trees determined to be an Environmentally Sensitive Habitat Area (ESHA) is located immediately south of the site.

Coastal Commission Action: The property owner was previously cited for removing trees that provided nesting and foraging habitat on the property. Six existing shrubs adjacent to the chenopod scrub habitat

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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in the southeastern portion of the site as well as the Monterey pines and Mexican elderberry shrubs were planted in 2007 to mitigate impacts from the removal of the tree habitat on the site.

Sensitive Habitats

A Biological Resources Assessment was prepared for the site by the consulting firm of SWCA in November 2007. The report included a survey of the various vegetation types existing on the site. The report concluded that there were no sensitive habitat types located on the site. **The report states that the site provides only marginal habitat for amphibians, reptiles and small mammals due to repeated ground disturbance over time. The ruderal vegetation as well as the ornamental non-native trees on the site provide foraging area for several raptor species including ferruginous hawk, red-tailed hawk, white-tailed kite, northern harrier, prairie falcon and American Kestrel but are not considered sensitive habitat. In addition, consultation with staff from the California Department of Fish and Game (CDFG) in 2007 concluded that the site is not considered an important foraging area for raptors. It was also determined during the consultation that removal of non-native ornamental trees may be beneficial as they provide perches for raptors that hunt threatened and endangered species within the nearby Bolsa Chica Ecological Reserve. While ornamental habitat is not considered a sensitive habitat type, existing eucalyptus trees on the site are contiguous with the ESHA and are considered a significant biological resource. In addition, the coastal California gnatcatcher, a Federally Threatened species, is known to forage and nest within adjacent coastal scrub habitat and was previously observed within the chenopod scrub patch in 2005. However, a subsequent biological survey was conducted by LSA, Inc. in June 2009 for the presence of coastal California gnatcatchers. No gnatcatchers were present on the site or on the adjacent property. The results of the survey concluded that the coastal California gnatcatcher is no longer present in the project area. It was also noted that due to habitat restoration activities on the adjacent Brightwater development project site, there is significantly more coastal sage scrub, the coastal California gnatcatcher's preferred habitat, in the vicinity and, therefore, the patch of chenopod scrub habitat on the Goodell site is likely less critical to potential reoccupation of the species on the Bolsa Chica mesa and bluffs in the future. However, since it is unknown if and when development would occur on the site, a mitigation measure is recommended to require focused surveys prior to ground disturbing activities.**

No potential jurisdictional waters of the U.S. were identified within the project site, however potentially jurisdictional wetland features occur as close as 100 feet east of the site's boundary. Also, the project site does not serve as a wildlife corridor because of its isolation from other similar habitat areas.

The Biological Assessment Report recommends that any future development avoid all eucalyptus trees on the project site. There are three existing eucalyptus trees on the site. All three are within the area proposed to be zoned for Open Space – Parks and Recreation and will be preserved on the site. The report also recommends that all non-native trees to be removed as part of any future development, be replaced with native trees that will provide nesting sites for raptors. Chapter 221 of the HBZSO requires that a **minimum** 100-foot buffer be maintained between any development adjacent to an ESHA and the ESHA boundary. The area on the project site within 100 feet of the ESHA boundary would be zoned for open space or conservation area and the uses that would be permitted are similar in nature to existing uses near the project site and existing ESHA; therefore, any future development in the RL zoned area would be in compliance with the minimum 100-foot buffer in accordance with the HBZSO.

Although future development would be analyzed for environmental impacts at the time development is proposed, any future development proposal shall, at a minimum, include the following mitigation measures to protect sensitive habitats surrounding the project site:

- ***BIO-1: The three eucalyptus trees shall be preserved on the site. If the trees cannot be preserved in place, they shall be relocated and preserved elsewhere on the site prior to any ground disturbing***

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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activities. Specifications for any eucalyptus trees to be relocated shall be submitted by a qualified arborist for review and approval by the Department of Public Works in coordination with the California Coastal Commission (CCC) and California Department of Fish and Game (CDFG). If the trees cannot be relocated, Bio-2 shall be required.

- **BIO-2:** All non-native ornamental trees to be removed from the site shall be replaced on-site with native trees species that will provide suitable nesting sites for raptors, such as the coast live oak or western sycamore. Each tree shall be replaced with either two 24-inch box trees or four 5-gallon trees. Trees should be of local stock and acquired from a reputable local native plant nursery. Details of these replacement measures, including a final number, size, planting design, method for installation, watering plan, maintenance and establishment criteria shall be included in a revegetation plan prepared by a qualified botanist or arborist and approved by the City of Huntington Beach Public Works Department.
- **BIO-3:** A minimum 100-foot buffer from the boundary of the existing ESHA located immediately south of the project site shall be provided pursuant to the provisions of Chapter 221 of the HBZSO.

To minimize erosion and sediment deposition in wetland areas within the vicinity of the project site, the following standard practices may be implemented: scheduling construction so that it occurs during the dry season, installation of silt-fencing or straw wattles to trap sediments that may escape from construction areas, application of a mulch layer to keep topsoil in place, installation of vegetative buffers along the base of the bluff to trap sediments and management of stormwater runoff using appropriate drainage methods.

Special Status Species

According to the 2007 SWCA report, no special status plant species were identified or expected to occur within the project site. More recent botanical surveys conducted by LSA in June 2009 confirmed the presence of southern Tarplant on the site. Most of the southern Tarplant was documented in the center of the project site in the area proposed to be designated as residential low density (RL) and along the eastern boundary of the site in the proposed Open Space- Parks and Recreation (OS-PR) and Coastal Conservation (CC) designations. While southern Tarplant is not listed as threatened or endangered by any State or federal agency, it is listed as endangered by the California Native Plant Society. The survey notes the frequency of small numbers of the species throughout the site and in recently disturbed areas and the presence of a large group of very small seedlings, which indicates that the introduction of southern Tarplant in the area is recent and has high dispersal rates. The survey also notes the species ability to flourish in harsh environments and disturbed conditions. The report indicates that a population of several thousand in a relatively natural habitat should be considered significant, warranting avoidance or relocation; however, the number of well-developed Tarplant individuals on the subject site would not be a significant population because they are fairly recent in disturbed non-native habitat. The report concludes by stating that a finding of significance at this time would be speculative.

The survey indicates that implementation of a tarplant relocation program in the event development is proposed in the future and avoidance cannot be achieved would mitigate impacts. The most suitable area for relocation would be within the one-acre area designated for Coastal Conservation (CC) and, given the species' ability to flourish in disturbed areas, along the southern boundary of the site, which is proposed for Open Space – Parks and Recreation (OS-PR). The survey notes that successful relocation of southern Tarplant has been well documented. As such a mitigation measure is proposed to reduce potential impacts to southern Tarplant. Southern tarplant has the potential to occur within the project site but was not observed during field surveys because no suitable habitat is present for it to exist on the site.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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Although the project site provides habitat for the monarch butterfly, wandering skipper, silvery legless lizard, San Diego black-tailed jackrabbit, western (California) mastiff bat and western yellow bat, which are all sensitive wildlife species, it is not likely that they would occur on the site because the habitat quality is marginal or more abundant in areas adjacent to the project site. Therefore, no significant adverse impacts to these species would occur if the site were developed in the future and no mitigation would be required. The project site provides suitable foraging and nesting habitat for a variety of special status and protected bird species. Some of these birds including the white-tailed kite, great-horned owl, barn owl, Anna's hummingbird and Costa's hummingbird are known to nest year-round. The report recommends several mitigation options for potential impacts to special status species including the California gnatcatcher, Burrowing owl, nesting raptors and nesting migratory birds and raptors. Although future development would be analyzed for environmental impacts at the time development is proposed, any future development proposal shall, at a minimum, include the following mitigation measures to protect special status species:

- **BIO-4: coastal California gnatcatcher:** Prior to any ~~ground disturbing~~ **demolition, grading or equivalent** activity, focused surveys shall be conducted within the project site and accessible areas within 500 feet of the site during the appropriate season in accordance with United States Fish and Wildlife Service (USFWS) established protocols. If the survey results are negative for presence of coastal California gnatcatchers, no further mitigation is required. If the surveys detect coastal California gnatcatchers adjacent to but not within the project site, construction shall be limited to outside of the nesting season and a qualified biological monitor shall be present during construction to ensure that no adults are destroyed. The project applicant shall coordinate construction scheduling with the USFWS.

If the surveys detect coastal California gnatcatchers within the project site, additional mitigation would be required as determined through the Section 7 or Section 10 consultation process with USFWS. Mitigation options are likely to include: avoidance of impacts to occupied habitat; creation/restoration of habitat on property adjacent to the project site; creation/restoration or preservation of habitat on other local property that has occupied or unoccupied habitat; preservation of occupied and/or unoccupied coastal sage scrub habitat in a bank such as the Viejo conservation Bank in Orange County; preservation of occupied and/or unoccupied scrub habitat in other portions of Orange County; or other mitigation options developed in conjunction with USFWS and the United States Army Core of Engineers (USACE).

- **BIO - 5: Burrowing Owl:** Prior to ~~ground disturbing~~ any **demolition, grading or equivalent** activity, surveys shall be conducted for burrowing owls where suitable habitat is present within the construction areas. Surveys shall be conducted in accordance with established protocols of the California Burrowing Owl Consortium (CBOC) and the California Department of Fish and Game (CDFG).

If unoccupied burrows are found during the non-breeding season, the property owner may collapse the unoccupied burrows, or otherwise obstruct their entrances to prevent owls from entering and nesting in the burrows. This measure would prevent inadvertent impacts during construction activities. If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to the City and CDFG for review and approval, and no further mitigation is necessary.

If occupied burrows are found, impacts on the burrows shall be avoided by providing a buffer of 165 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The size of the buffer area may be adjusted if a

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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qualified biologist and CDFG determine it would not be likely to have adverse effects on the owls. No project activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is over. If impacts on occupied burrows are unavoidable, onsite passive relocation techniques approved by CDFG shall be used to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Mitigation for foraging habitat for relocated pairs shall follow guidelines provided in the California Burrowing Owl Consortium's April 1995 Burrowing Owl Survey Protocol and Mitigation Guidelines, which ranges from 7.5 to 19.5 acres per pair.

- **BIO – 6: Nesting Migratory Birds:** Prior to any construction ~~or ground disturbing~~, **demolition, grading or equivalent** activity, a qualified Biologist shall survey the project impact area for the presence of any active bird nest (common or special status) within 72 hours prior to the onset of construction activities. Any nest found during the survey efforts will be mapped on the construction plans. If no active nests are found, no further mitigation is required. Results of the surveys will be provided to the CDFG and the City of Huntington Beach.

If any active migratory bird nest is present, the nest will be protected until nesting activity has ended to ensure compliance with Section 3503 of the California Fish and Game Code. To protect any active nest, the following restrictions on construction are required until the nests are no longer active, as determined by a qualified biologist: (1) clearing limits will be established with a 300-foot buffer around any occupied nest, or as otherwise determined by a qualified Biologist. Any encroachment into the buffer area around the known nest will only be allowed if the qualified Biologist determines that the proposed construction activities would not disturb the nest occupants. Construction during the nesting season can occur only at the sites if a qualified Biologist has determined that the construction activities are not a disruption to the breeding activities or if the fledglings have left the nest.

- **BIO-7: Nesting Raptors:** Prior to any construction ~~or ground disturbing~~, **demolition, grading or equivalent** activity, a qualified Biologist shall survey within 500 feet of the project impact area for the presence of any active raptor nests (common or special status) at least seven days prior to the onset of construction activities. Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation is required. Results of the surveys shall be provided to the CDFG and the City of Huntington Beach.

If nesting activity is present at any raptor nest site, the active nest site will be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. To protect any nest site, the following restrictions on construction are required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits shall be established with a 500 foot buffer, or as otherwise determined by a qualified Biologist, around any occupied nest. Any encroachment into the buffer area around the known nest shall only be allowed if the qualified Biologist determines that the proposed construction activities would not disturb the nest occupants. Construction during the nesting season can occur only at the sites if a qualified Biologist has determined that the construction activities are not a disruption to the breeding activities or if the fledglings have left the nest.

If an inactive nest is observed within the area to be directly impacted during the non-nesting season,

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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the nest site shall be monitored by a qualified Biologist, and when the raptor is away from the nest, the nest will be relocated so raptors cannot return to it. The qualified Biologist will supervise the relocation of the nest.

- **BIO-8: southern Tarplant: Prior to any construction, demolition, grading or equivalent activity, a qualified Biologist shall survey the project site for presence of southern Tarplant. Any impacted colonies of southern Tarplant within the project site shall be relocated to open space areas on the site. A southern Tarplant relocation program shall be prepared by a qualified Biologist and implemented prior to construction.**

VIII. MINERAL RESOURCES. Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources: #5) ☐ ☐ ☐ ☒

Discussion: See below.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Sources: #5) ☐ ☐ ☐ ☒

Discussion a & b: Although Huntington Beach has been the site of oil and gas extraction since the 1920s, oil production has decreased over the years, and today, oil producing wells are scattered throughout the City. Previous environmental analysis (Recirculated EIR No. 551) for the Bolsa Chica area indicates that there are no existing wells on the project site.

The project involves the pre-zoning and annexation of a 6.2-acre site currently located in unincorporated County of Orange. The project would not result in impacts to mineral resources and does not contemplate development of the site. However, a portion of the site is proposed to be zoned for single-family residential uses and would allow for a range of residential uses as well as limited commercial use classifications such as nurseries and wireless communication facilities to be proposed. Given that there are no known mineral resources on the site and no development is being proposed, the project will not result in the loss of a known mineral resource. No impacts would occur.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources: #) ☐ ☐ ☐ ☒

Discussion: See discussion below.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous ☐ ☐ ☐ ☒

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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materials into the environment? (Sources: #1)

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: #1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources: #1 & 12) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources: #1 & 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources: #1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: #1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources: #1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion items a – h: The nearest school, Marine View Middle School, is located approximately ½ mile from the project site. In addition, the project site is not listed on any list of hazardous sites. The City is located within the Airport Environs Land Use Plan for the Joint Forces Training Base Los Alamitos, but is not located within two miles of a public or private airport.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project involves the pre-zoning and annexation of a 6.2-acre site currently located in unincorporated County of Orange. The project would not result in impacts from hazards and hazardous materials and does not contemplate development of the site. However, a portion of the site is proposed to be zoned for single-family residential uses and would allow for a range of residential uses as well as limited commercial use classifications such as nurseries and wireless communication facilities to be proposed. Impacts related to hazards and hazardous materials would be analyzed if and when development is proposed. No impacts would occur.

X. NOISE. Would the project result in:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources: #1 & 14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? (Sources: #1 & 14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: #1 & 14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: #1 & 14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: #1 & 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources: #1 & 14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion a – f: The City is located within the Airport Environs Land Use Plan for the Joint Forces Training

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant	Less Than Significant Impact	No Impact
			Impact	Impact	

Base Los Alamitos, but is not located within two miles of a public or private airport. The project involves the pre-zoning and annexation of a 6.2-acre site currently located in unincorporated County of Orange. The project would not result in noise impacts and does not contemplate development of the site. However, a portion of the site is proposed to be zoned for single-family residential uses and would allow for a range of residential uses as well as limited commercial use classifications such as nurseries and wireless communication facilities to be proposed. Impacts related to noise would be analyzed if and when development is proposed. No impacts would occur.

XI. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Fire protection? (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Discussion: See discussion. | | | | |
| b) Police Protection? (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Discussion: See discussion below. | | | | |
| c) Schools? (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: See discussion below. | | | | |
| d) Parks? (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: See discussion below. | | | | |
| e) Other public facilities or governmental services?
(Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion a – e: The proposed project involves the pre-zoning and annexation of a 6.2 acre site and does not propose any new construction or development that would cause immediate impacts on public services. However, the project does propose annexation in the City and pre-zoning of a site that would allow future development on a portion of the site. The proposed zoning would allow up to 22 residential units to be developed.

Currently, the Orange County Sheriff-Coroner Department (OCSCD) and Orange County Fire Authority (OCFA) would provide police and fire/emergency services to the site. However, through mutual aid agreements, the City of Huntington Beach is also a first responder. Upon annexation of the site into the City of Huntington Beach, police and fire/emergency services would be provided directly by the City of Huntington Beach. The City's Fire Department has indicated that the proposed project would have less than significant impacts on the City's fire protection services. The project site is located within the Ocean View School District (grades K-8) and the Huntington Beach Union High School District. Five City parks, Bolsa Chica State Beach and the Bolsa Chica Ecological Reserve are all located within one mile of the project site. Libraries in both the City of Huntington Beach and County of Orange library systems would serve the project site. Previous environmental documentation (Recirculated EIR No. 551) for the Bolsa Chica Land Use Plan,

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

analyzed the development of 2,500 residential units on the Bolsa Chica and Huntington Beach mesas, which included development on the project site at a density of 6.5 – 12.5 dwelling units per acre. Impacts to public services were determined to be either less than significant (police, fire, schools, parks and libraries) or less than significant with mitigation (emergency services specific to OCFA capability of meeting adequate response times).

Future residential development on the site would be required to pay park, school and library fees as applicable. Given that the scope of future development would be much smaller than what was previously analyzed and anticipated for the Bolsa Chica mesa, less than significant impacts to public services would occur.

XIV. UTILITIES AND SERVICE SYSTEMS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Be served by a landfill with sufficient permitted capacity | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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to accommodate the project's solid waste disposal needs? (Sources: #1, 5 & 6)

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: See discussion below.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources: #1, 5 & 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion a – h: The proposed project involves the pre-zoning and annexation of a 6.2 acre site and does not propose any new construction or development that would cause immediate impacts or create additional demand on utilities and service systems with the exception water supply to the site. However, the project does propose zoning that would allow future development on a portion of the site. The proposed zoning would allow up to 22 single-family homes to be developed and irrigation (temporary and permanent) may be needed for the open space areas.

Previous environmental documentation (Recirculated EIR No. 551) for the Bolsa Chica Land Use Plan, analyzed the development of 2,500 residential units on the Bolsa Chica and Huntington Beach mesas, which included the project site. It was determined at the time, that existing utilities were available to serve the development and any potential impacts to utilities and service systems were determined to be either less than significant or less than significant with mitigation. The Public Works Department has indicated that the water demand for the subject site was not accounted for in the 2005 Water Master Plan Update and 2005 Urban Water Management Plan (UWMP). Although the project would result an increase in water demand, it would not present a significant impact to the current water supplies according to the water surplus identified in the 2005 UWMP. In addition, future development proposals would require a separate environmental analysis in which the water supply available to serve the property would be assessed using the water surplus identified under the adopted UWMP at the time development is proposed. Therefore, impacts would be less than significant.

XV. AESTHETICS. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? (Sources: # Figure 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources: # Figure 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Substantially degrade the existing visual character or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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quality of the site and its surroundings? (Sources: # Figure 3)

Discussion: See discussion below.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: # Figure 3)

☐ ☐ ☐ ☒

Discussion a – d: The subject site is situated at approximately 50 feet above mean sea level (msl) and views of the wetlands, lowlands, eucalyptus ESHA as well as distant views of the Pacific Ocean can be captured from the site. A portion of the Open Space – Parks and Recreation (OS-PR) area is proposed to maintain existing views from the site and provide a public vista point. The Coastal Conservation (CC) as well as the remaining OS-PR area will maintain views of the slope to persons on the bicycle trail along the channel. The existing character of the surrounding area consists of residential and open spaces uses, which are similar to the uses that would be allowed under the proposed zoning of the site.

The project involves the pre-zoning and annexation of a 6.2-acre site currently located in unincorporated County of Orange. The project would not result in impacts to aesthetics and does not contemplate development of the site. However, a portion of the site is proposed to be zoned for single-family residential uses and would allow for a range of residential uses as well as limited commercial use classifications such as nurseries and wireless communication facilities to be proposed. Impacts related to aesthetics would be analyzed if and when development is proposed. No impacts would occur.

XVI. CULTURAL RESOURCES. Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Sources: #4,19)

☐ ☒ ☐ ☐

Discussion: See discussion below.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Sources: #4, 19)

☐ ☒ ☐ ☐

Discussion: See discussion below.

- c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources: #4, 19)

☐ ☒ ☐ ☐

Discussion: See discussion under item d.

- d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: #4, 19)

☐ ☒ ☐ ☐

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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Discussion items a – d: The proposed project will establish zoning on a 6.2 acre site that would be annexed into the City of Huntington Beach. The proposed zoning includes approximately 3.2 acres for single-family residential uses, 1.0 acre for Coastal Conservation area and approximately 2.0 acres designated as Open Space – Parks and Recreation. Historically, the project site has been disturbed by previous uses, including agriculture, World War II activities and terracing for a pole yard. An underground structure containing a plotting and switchboard room was built by the U.S. Army to support Battery 128 on the site in 1943. City planning staff observed a portion of an underground structure during a site visit in June 2008. It is likely that the structure is related to structures that may have been constructed on the site during World War II.

A Cultural Resources Survey Report for the 6.2 acre site was prepared by the consulting firm of SWCA in November 2007. The Report indicated that 16 cultural resource studies have been conducted within or adjacent to the project area. 11 of the studies are specific to the previously recorded prehistoric archaeological site CA-ORA-83, which is listed on the California Native American Heritage Commission registry of sacred sites. A pedestrian survey was conducted for the Cultural Resources Survey Report by SWCA in September 2007. The pedestrian survey identified indications of the presence of CA-ORA-83 within the project area. These indications included scattered concentrations of shell and possible midden soils. A possible historic World War II concrete foundation for the underground plotting/switchboard room was also observed during the site survey.

In addition to the survey that was conducted by SWCA in 2007, a report on the history of archeological investigations on the project site was prepared by Scientific Resource Surveys (SRS), Inc. in May 2009. The report refers to the Goodell property as part of the archeological site CA-ORA-144 or "The Water Tower Site", which is part of the larger archeological site CA-ORA-83 or "The Cogged Stone Site." The report also provides an aerial photograph history of land use on the site. The aerial history shows the amount of disturbance that has occurred on the Goodell property over the years. The most significant disturbance occurred during World War II and the construction of the Bolsa Chica Military Reservation. Construction included Batteries 128 and 242, which have since been demolished, and placement of a plotting and spotting room (PSR) on the Goodell site. The war ended before the facilities were completed and the facilities were used for training and storage until the Bolsa Chica Military Reservation was closed permanently in 1948.

Construction of the PSR building on the Goodell site required heavy grading and excavation on the site, consequently destroying most of the archeological site on the property. Other disturbances that occurred on the site include agricultural plowing and disking, terracing for a pole yard and activities from the Bolsa Chica Gun Club. The report concludes that as a result of all the disturbance that has occurred on the Goodell property, only the western and northern boundaries of the site have the potential to contain remnants of subsurface deposits. However, it should be noted that previous excavations on the adjacent property to the north, as well as previous site disturbance, indicate that it is not likely that deposits would remain in the northern portion of the property.

According to the ~~both~~ reports, the subject site has never been tested to determine the vertical and horizontal extent of CA-ORA-83/CA-ORA-144 and that it is likely that the project area contains intact subsurface deposits that may be important to local and regional prehistory. Only one archeological excavation has occurred on the site. In 1963, two hand-excavated units were dug, but only produced a "few flakes" and no midden deposit was located (SRS 2009). In addition, large portions of the excavated areas of CA-ORA-83 outside of the project boundaries have documented presence of a prehistoric cemetery. As such, further testing would be required prior to future development of the site.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed project would not directly result in impacts to cultural resources, however it would establish zoning that would allow for future development of the site. Therefore, the following mitigation measures shall be required prior to any proposal for future development:

- **CR-1:** Prior to determination of a complete application submittal for development of the site, testing shall be done by a qualified archaeologist to determine the vertical and horizontal extents of site CA-ORA-83/CA-ORA-144 within the property, including the presence or absence of subsurface deposits. The testing program should be multi-phased including a full property survey and documentation of present condition. Backhoe trenching in and amongst historic structure locations and along parcel boundaries shall be conducted to verify the presence or absence of intact historic and prehistoric deposits if such exist. Hand excavations shall be conducted in order to establish the extent, depth, nature and content of midden deposits if such remain. Depending on the results of the subsurface excavation, additional studies may be warranted. Such studies may include a Research Design and Treatment Plan. If site remnants are located, in-situ preservation shall be considered. If preservation is not possible, a data recovery program shall be required. If required, data recovery excavation shall be completed prior to any ground disturbing activities.

Although future development would be analyzed for environmental impacts at the time development is proposed, any future development proposal shall, at a minimum, include the following mitigation measure in the environmental assessment:

- **CR-2:** Documentation of the World War II PSR building shall be documented using the same methodology and techniques developed for documenting Batteries 128 and 242 prior to demolition, which includes photo documentation. The documentation shall be available for a comparison of interior and exterior construction techniques and other uses, such as for graffiti or artistic expression, between all three bunkers and associated outbuildings.
- **CR-3:** *If human remains are discovered during construction or any earth-moving activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.*

XVII. RECREATION. Would the project:

- a) Would the project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources: #1 & Figure 3)
- ☐ ☐ ☐ ☒

Discussion: See discussion below.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the
- ☐ ☐ ☒ ☐

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

environment? (Sources: #1 & Figure 3)

Discussion: See discussion below.

- c) Affect existing recreational opportunities? (Sources: #1 & Figure 3) ☐ ☐ ☒ ☐

Discussion items a – c: The proposed project will establish zoning on a 6.2 acre site that would be annexed into the City of Huntington Beach. The proposed zoning includes approximately 3.2 acres for single-family residential uses (RL), 1.0 acre for Coastal Conservation (CC) area and approximately 2.0 acres designated as Open Space – Parks and Recreation (OS-PR). A 0.5-acre portion of the proposed open space is located at the southwest portion of the site and overlooks the Bolsa Chica. The proposed open space area is intended to provide a viewing area of the lowlands, eucalyptus ESHA and wetlands, which are visible from the project site. In addition, this area is adjacent to an existing decomposed granite trail that is part of the Brightwater Development. The trail meanders along the southern boundary of the residential portion of the Brightwater development adjacent to the open space ESHA within the Brightwater Specific Plan area.

Currently, the site is used by hikers, joggers and kids riding their bikes through informal paths on the site. However, the site is private property and not considered a recreational amenity by the City.

Five City parks, Bolsa Chica State Beach and the Bolsa Chica Ecological Reserve are all located within one mile of the project site. The General Plan Recreation and Community Services Element includes a standard of five acres of parks per 1,000 residents. Based on a maximum density of seven units per acre, there is potential for approximately 22 homes to be constructed, which would result in approximately 57 people. Although it is possible that some of the residents of any future proposed development on the site would already be Huntington Beach residents, the park requirement for 57 people would be 0.30 acres. While the introduction of new homes would contribute to increased usage of parks in the vicinity of the project site, the project is proposing to designate approximately 2.0 acres for park space. In addition, future development would be required to comply with HBZSO requirements for dedication of land and/or payment of park fees. Therefore, the project would not result in a substantial deterioration of existing park facilities. Less than significant impacts would occur.

XVIII. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources: #15, 16 & Figure 3) ☐ ☐ ☐ ☒

Discussion: See discussion below.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources: #15, 16 & Figure 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion below.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources: #15, 16 & Figure 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion a – c: The proposed pre-zoning and annexation of the subject property will not convert farmland or conflict with existing zoning for agricultural use. The site is currently located within the County of Orange and zoned Planned Community (PC), which would allow for the development of residential and open space uses. The proposed project would establish similar zoning on the project site and as such, no impacts would occur.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: #1-16) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: As discussed in Sections VII (Biological Resources) and XVI (Cultural Resources), the pre-zoning and annexation of the subject site would not result in direct impacts to fish and wildlife species and their habitat, nor would it result in direct impacts to cultural resources. However, the proposed project would allow for a portion of the site to be developed in the future, which could potentially result in impacts to biological and cultural resources. Based on the analysis in the sections referenced above, these impacts can be reduced to less than significant levels with implementation of the proposed mitigation measures.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources: #1-16) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See discussion below.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: #1-16) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed project will establish zoning on a 6.2 acre site that would be annexed into the City of Huntington Beach. The proposed zoning includes approximately 3.2 acres for single-family residential uses (RL), 1.0 acre for Coastal Conservation (CC) area and approximately 2.0 acres designated as Open Space – Parks and

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant	Less Than Significant	No Impact
		Unless Mitigation Incorporated	Impact	

Recreation (OS-PR). Although, the project does not contemplate development of the site and would not result in adverse impacts to the environment, including cumulatively considerable impacts, the project does propose zoning that would allow development on a portion of the site. The site could potentially be developed with up to 22 single-family residences and open space areas. If and when development is proposed, a separate environmental analysis based on the project description would be required. Therefore, the proposed project will not result in cumulatively considerable impacts or a substantial increase in environmental effects that will cause adverse effects on human beings. Less than significant impacts would occur.

XX. EARLIER ANALYSIS.

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (a)(3)(D).

Earlier Documents Prepared and Utilized in this Analysis:

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	City of Huntington Beach General Plan	City of Huntington Beach Planning Dept., Planning/Zoning Information Counter, 2000 Main St., 3 rd Floor, Huntington Beach
2	City of Huntington Beach Zoning and Subdivision Ordinance	"
3	Biological Resources Assessment (November 2007)	"
4	Cultural Resources Survey Report (November 2007)	"
5	Recirculated EIR No. 551 – County of Orange (1996)	"
6	Subsequent EIR No. 551 – County of Orange (2002)	"
7	City of Huntington Beach Geotechnical Inputs Report	"
8	FEMA Flood Insurance Rate Map (February 18, 2004) Map No. 06059C0233H	"
9	CEQA Air Quality Handbook, South Coast Air Quality Management District (1993)	"
10	City of Huntington Beach CEQA Procedure Handbook	"
11	Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (Oct. 17, 2002)	"
12	Hazardous Waste and Substances Sites List	"
13	State Seismic Hazard Zones Map	"
14	City of Huntington Beach Municipal Code	"
15	Orange County General Plan Map	"
16	Orange County Zoning Map	"
17	Addendum to Subsequent EIR No. 551 – County of Orange (2005)	"
18	Supplemental Biological Surveys (LSA, July 2009)	"
19	History of Archeological Investigations (SRS, May 2009)	"

Summary of Mitigation Measures

Description of Impact

Biological Resources

- ◆ Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service
- ◆ Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife
- ◆ Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other
- ◆ Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites

Mitigation Measure

- **BIO-1:** The three eucalyptus trees shall be preserved on the site. If the trees cannot be preserved in place, they shall be relocated and preserved elsewhere on the site prior to any ground disturbing activities. Specifications for any eucalyptus trees to be relocated shall be submitted by a qualified arborist for review and approval by the Department of Public Works in coordination with the California Coastal Commission (CCC) and California Department of Fish and Game (CDFG). ~~If the trees cannot be relocated, Bio-2 shall be required.~~
- **BIO-2:** All non-native ornamental trees to be removed from the site shall be replaced on-site with native trees species that will provide suitable nesting sites for raptors, such as the coast live oak or western sycamore. Each tree shall be replaced with either two 24-inch box trees or four 5-gallon trees. Trees should be of local stock and acquired from a reputable local native plant nursery. Details of these replacement measures, including a final number, size, planting design, method for installation, watering plan, maintenance and establishment criteria shall be included in a revegetation plan prepared by a qualified botanist or arborist and approved by the City of Huntington Beach Public Works Department.
- **BIO-3:** A minimum 100-foot buffer from the boundary of the existing ESHA located immediately south of the project site shall be provided pursuant to the provisions of Chapter 221 of the HBZSO.
- **BIO-4:** coastal California gnatcatcher: Prior to any ~~ground disturbing~~ demolition, grading or equivalent activity, focused surveys shall be conducted within the project site and accessible areas within 500 feet of the site during the appropriate season in accordance with United States Fish and Wildlife Service (USFWS) established protocols. If the survey results are negative for presence of coastal California gnatcatchers, no further mitigation is required. If the surveys detect coastal California gnatcatchers adjacent to but not within the project site, construction shall be limited to outside of the nesting season and a qualified biological monitor shall be present during construction to ensure that no adults are destroyed. The project applicant shall coordinate construction scheduling with the USFWS.

If the surveys detect coastal California gnatcatchers within the project site, additional mitigation would be required as determined through the Section 7 or Section 10 consultation process with USFWS. Mitigation options are likely to include: avoidance of impacts to occupied habitat; creation/restoration of habitat on property adjacent to the project site; creation/restoration or preservation of habitat on other local property that has occupied or unoccupied habitat; preservation of occupied and/or unoccupied coastal sage scrub habitat in a bank such as the Viejo conservation Bank in Orange County; preservation of occupied and/or unoccupied scrub habitat in other portions of Orange County; or other

mitigation options developed in conjunction with USFWS and the United States Army Core of Engineers (USACE).

- **BIO – 5: Burrowing Owl:** Prior to ~~ground disturbing activity~~, **demolition, grading or equivalent**, surveys shall be conducted for burrowing owls where suitable habitat is present within the construction areas. Surveys shall be conducted in accordance with established protocols of the California Burrowing Owl Consortium (CBOC) and the California Department of Fish and Game (CDFG).

If unoccupied burrows are found during the non-breeding season, the property owner may collapse the unoccupied burrows, or otherwise obstruct their entrances to prevent owls from entering and nesting in the burrows. This measure would prevent inadvertent impacts during construction activities. If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to the City and CDFG for review and approval, and no further mitigation is necessary.

If occupied burrows are found, impacts on the burrows shall be avoided by providing a buffer of 165 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the owls. No project activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is over. If impacts on occupied burrows are unavoidable, onsite passive relocation techniques approved by CDFG shall be used to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Mitigation for foraging habitat for relocated pairs shall follow guidelines provided in the California Burrowing Owl Consortium's April 1995 Burrowing Owl Survey Protocol and Mitigation Guidelines, which ranges from 7.5 to 19.5 acres per pair.

- **BIO – 6: Nesting Migratory Birds:** Prior to any construction ~~or ground disturbing~~, **demolition, grading or equivalent** activity, a qualified Biologist shall survey the project impact area for the presence of any active bird nest (common or special status) within 72 hours prior to the onset of construction activities. Any nest found during the survey efforts will be mapped on the construction plans. If no active nests are found, no further mitigation is required. Results of the surveys will be provided to the CDFG and the City of Huntington Beach.

If any active migratory bird nest is present, the nest will be protected until nesting activity has ended to ensure compliance with Section 3503 of the California Fish and Game Code. To protect any active nest, the following

restrictions on construction are required until the nests are no longer active, as determined by a qualified biologist: (1) clearing limits will be established with a 300-foot buffer around any occupied nest, or as otherwise determined by a qualified Biologist. Any encroachment into the buffer area around the known nest will only be allowed if the qualified Biologist determines that the proposed construction activities would not disturb the nest occupants. Construction during the nesting season can occur only at the sites if a qualified Biologist has determined that the construction activities are not a disruption to the breeding activities or if the fledglings have left the nest.

- **BIO-7: Nesting Raptors:** Prior to any construction ~~or ground disturbing, demolition, grading or equivalent~~ activity, a qualified Biologist shall survey within 500 feet of the project impact area for the presence of any active raptor nests (common or special status) at least seven days prior to the onset of construction activities. Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation is required. Results of the surveys shall be provided to the CDFG and the City of Huntington Beach.

If nesting activity is present at any raptor nest site, the active nest site will be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. To protect any nest site, the following restrictions on construction are required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits shall be established with a 500 foot buffer, or as otherwise determined by a qualified Biologist, around any occupied nest. Any encroachment into the buffer area around the known nest shall only be allowed if the qualified Biologist determines that the proposed construction activities would not disturb the nest occupants. Construction during the nesting season can occur only at the sites if a qualified Biologist has determined that the construction activities are not a disruption to the breeding activities or if the fledglings have left the nest.

If an inactive nest is observed within the area to be directly impacted during the non-nesting season, the nest site shall be monitored by a qualified Biologist, and when the raptor is away from the nest, the nest will be relocated so raptors cannot return to it. The qualified Biologist will supervise the relocation of the nest.

- **BIO-8: southern Tarplant:** Prior to any construction, demolition, grading or equivalent activity, a qualified Biologist shall survey the project site for presence of southern Tarplant. Any impacted colonies of southern Tarplant within the project site shall be relocated to open space areas on the site. A southern Tarplant relocation program shall be prepared by a qualified Biologist and implemented prior to construction.

Cultural Resources

- ♦ Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5
- ♦ Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5
- ♦ Directly or indirectly destroy a unique paleontological resource or site unique geologic feature
- ♦ Disturb any human remains, including those interred outside of formal cemeteries

- **CR-1:** Prior to determination of a complete application submittal for development of the site, testing shall be done by a qualified archaeologist to determine the vertical and horizontal extents of site CA-ORA-83/CA-ORA-144 within the property, including the presence or absence of subsurface deposits. The testing program should be multi-phased including a full property survey and documentation of present condition. Backhoe trenching in and amongst historic structure locations and along parcel boundaries shall be conducted to verify the presence or absence of intact historic and prehistoric deposits if such exist. Hand excavations shall be conducted in order to establish the extent, depth, nature and content of midden deposits if such remain. Depending on the results of the subsurface excavation, additional studies may be warranted. Such studies may include a Research Design and Treatment Plan. If site remnants are located, in-situ preservation shall be considered. If preservation is not possible, a data recovery program shall be required. If required, data recovery excavation shall be completed prior to any ground disturbing activities.

CR-2: Documentation of the World War II PSR building shall be documented using the same methodology and techniques developed for documenting Batteries 128 and 242 prior to demolition, which includes photo documentation. The documentation shall be available for a comparison of interior and exterior construction techniques and other uses, such as for graffiti or artistic expression, between all three bunkers and associated outbuildings.

- **CR-3:** If human remains are discovered during construction or any earth-moving activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

**RESPONSE TO COMMENTS FOR DRAFT
RECIRCULATED MITIGATED NEGATIVE DECLARATION NO. 08-017**

- I. This document serves as the Response to Comments on Recirculated Draft Mitigated Negative Declaration No. 08-017. This document contains all information available in the public record related to the Goodell Property Pre-zoning and Annexation Project as of August 25, 2009 and responds to comments in accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines.

This document contains six sections. In addition to this Introduction, these sections are Public Participation and Review, Comments, Responses to Comments, Errata to Recirculated Draft Mitigated Negative Declaration No. 08-017, and Appendix.

The Public Participation section outlines the methods the City of Huntington Beach has used to provide public review and solicit input on Recirculated Draft Mitigated Negative Declaration No. 08-017. The Comments section contains those written comments received from agencies, groups, organizations, and individuals as of August 25, 2009. The Response to Comments section contains individual responses to each comment. The Errata to Recirculated Draft Mitigated Negative Declaration No. 08-017 is provided to show corrections of errors and inconsistencies in the Recirculated Draft Mitigated Negative Declaration.

It is the intent of the City of Huntington Beach to include this document in the official public record related to Recirculated Draft Mitigated Negative Declaration No. 08-017. Based on the information contained in the public record, the decision-makers will be provided with an accurate and complete record of all information related to the environmental consequences of the project.

II. PUBLIC PARTICIPATION AND REVIEW

A draft MND was made available for public review from March 26, 2009 to April 24, 2009. Comments received during the comment period identified presence of biological resources on the property, specifically southern Tarplant, that were not identified in the draft MND and supporting technical reports. Subsequent to the comment period, an updated biological survey was prepared as well as an updated cultural resources report. Based on the information contained in the comment letters as well as the updated technical reports, revisions to the draft MND were made including the addition of two new mitigation measures. These changes resulted in a requirement to recirculate the draft MND in accordance with the provisions of CEQA. Recirculated Draft MND No. 08-017 was made available for a 30-day public review period from July 27, 2009 to August 25, 2009.

The City of Huntington Beach notified all responsible and interested agencies and interested groups, organizations, and individuals that Recirculated Draft Mitigated Negative Declaration No. 08-017 had been prepared for the proposed project. The City also used several methods to solicit input during the review period for the preparation of

ATTACHMENT NO. 5.1

Recirculated Draft Mitigated Negative Declaration No. 08-017. The following is a list of actions taken during the preparation, distribution, and review of Recirculated Draft Mitigated Negative Declaration No. 08-017.

1. A cover letter and copies of Recirculated Draft Mitigated Negative Declaration No. 08-017 were filed with the State Clearinghouse on July 27, 2009. The State Clearinghouse assigned Clearinghouse Number 2009031094 to the proposed project. A copy of the cover letter and the State Clearinghouse distribution list is available for review and inspection at the City of Huntington Beach, Planning Department, 2000 Main Street, Huntington Beach, California 92648.
2. An official 30-day public review period for Recirculated Draft Mitigated Negative Declaration No. 08-017 was established by the State Clearinghouse. It began on July 27, 2009 and ended on August 25, 2009. Public comment letters were received by the City of Huntington Beach through August 25, 2009.
3. Notice of Recirculated Draft Mitigated Negative Declaration No. 08-017 was published in the Huntington Beach Independent on July 23, 2009 as well as advertised on the City's website. Notices were also sent to property owners and tenants within a 1,000' radius of the project site.
4. Copies of the document were made available to agencies, groups, organizations, and individuals at the following locations:
 - City Hall – City Clerk's Office
 - City Hall – Planning & Zoning Counter
 - Central Library
 - On the City's website

III. COMMENTS

Copies of all written comments received as of August 25, 2009 are contained in Appendices A & B of this document. All comments have been numbered and are listed on the following pages. Since the project included two 30-day comment periods: one on draft Mitigated Negative Declaration No. 08-017 and one on Recirculated draft Mitigated Negative Declaration No. 08-017, all comments are included in this section. Comments on draft Mitigated Negative Declaration No. 08-017 are included in Appendix A. Comments on Recirculated draft Mitigated Negative Declaration No. 08-017 are included in Appendix B. All comments are referenced by number with the responses directly adjacent to the reference number for clarity. Responses to Comments for each comment that was submitted on draft Mitigated Negative Declaration No. 08-017 and Recirculated Mitigated Negative Declaration No. 08-017 that raised an environmental issue are contained in this document.

III. RESPONSE TO COMMENTS

Recirculated Draft Mitigated Negative Declaration No. 08-017 was distributed to

responsible agencies, interested groups, organizations, and individuals. The report was made available for public review and comment for a period of 30 days. The public review period for Recirculated Draft Mitigated Negative Declaration No. 08-017 was established by the State Clearinghouse on July 27, 2009 and expired on August 25, 2009. The City of Huntington Beach received comment letters through August 25, 2009.

Copies of all documents received as of August 25, 2009 are contained in Appendices A & B of this report. Comments have been numbered with responses correspondingly numbered. Responses are presented for each comment that raised a significant environmental issue.

Several comments do not address the completeness or adequacy of Recirculated Draft Mitigated Negative Declaration No. 08-017, do not raise significant environmental issues, or request additional information. A substantive response to such comments is not appropriate within the context of the California Environmental Quality Act (CEQA). Such comments are responded to with a "comment acknowledged" or similar reference. This indicates that the comment will be forwarded to all appropriate decision makers for their review and consideration.

RESPONSE TO COMMENTS – DRAFT MITIGATED NEGATIVE DECLARATION (MND)
NO. 08-017 (Comment period 3/26/09 – 4/24/09)

State Departments

Department of Transportation

DOT-1: This comment does not bring up any environmental issues. Comment acknowledged.

DOT-2: This comment indicates that the DOT does not have comments at this time. Comment acknowledged.

Department of Fish and Game

DFG-1: This comment describes the project and identifies the DFG as a responsible agency. Comment acknowledged.

DFG-2: This comment reiterates statements made in the draft MND regarding biological resources on the Goodell site. Comment acknowledged.

DFG-3: The comment indicates that the project could result in further restriction of open space and a potential edge-effect created by new development that could have an impact on resources on the site and lead to an increase in use of the Bolsa Chica Ecological Reserve (BCER) thereby resulting in negative impacts. However, the project does not propose to "further restrict open space" as the proposed pre-zoning designations would result in the conversion of three acres of existing residentially zoned property to open space designations. In addition, the project does not propose development of the site.

DFG-4: Consultation with DFG staff in 2007 concluded that existing trees on the Goodell property provide nesting and roosting habitat for raptors and vegetation on the site provides foraging habitat for raptors. However, it was determined that the site is not

considered important foraging habitat and that removal of non-native trees from the site would be beneficial since they provide perches for raptors that hunt threatened and endangered species within the nearby BCER. This information was added to the analysis in the recirculated draft MND. Since the project does not propose development, it would not result in a reduction in raptor foraging habitat and further impacts as a result of a reduction of raptor foraging habitat. In addition, if development is proposed in the future mitigation measures incorporated in Recirculated draft MND No. 08-017 require that all non-native trees to be removed from the site be replaced with native trees such as the *coast Live Oak* or *western Sycamore*. This is consistent with DFG recommendations from the 2007 consultation. In addition, the proposed mitigation measures require surveys for nesting raptors and nesting migratory birds prior to ground disturbance.

- DFG-5: This comment indicates the DFG's responsibility to manage the BCER. The comment indicates that additional development in the area would result in additional strain on DFG staff and the BCER and recommends that the applicant work with the Department to minimize impacts to the BCER. It should be noted that the project does not propose development of the site. However, if the property is annexed into the City of Huntington Beach and development is proposed in the future, the City will inform the applicant of the DFG's concerns and provide contact information for the DFG to the applicant.
- DFG-6: Comment acknowledged. The project does not consist of any development. However, the concerns of the DFG regarding invasive species in the BCER will be forwarded to a project applicant if development is proposed for the site in the future.
- DFG-7: The project does not propose development of the site. Although a coastal California gnatcatcher was observed in a patch of chenopod scrub in 2005, subsequent biological surveys were conducted in July 2009 and concluded that coastal California gnatcatchers are not present on the site. The surveys indicated that they would likely not be present on the site in the future due to conservation and enhancement of coastal sage scrub, the coastal California gnatcatcher's preferred habitat on an adjacent site. This information is reflected in the recirculated draft MND. Even so, the draft MND identifies a mitigation measure for focused surveys for coastal California gnatcatchers in the event development of the site is proposed in the future. In addition, the patch of chenopod scrub is proposed to be designated as Coastal Conservation area and therefore, would not result in a reduction of foraging habitat for the coastal California gnatcatcher. It should also be noted that the existing zoning and General Plan designation for the site in the County of Orange is residential.
- DFG-8: Comment acknowledged. The City notes that future coordination with the DFG will be required to address the issues outlined in the comment letter in the event that development is proposed on the site in the future.

California Coastal Commission

- CCC-1: This comment summarizes the project. Comment acknowledged.
- CCC-2: This comment indicates that the final land use designations will be subject to approval by the California Coastal Commission. The comment outlines four areas of concern,

which are addressed in the comments/responses that follow: sensitive biological habitats and species, archeological/cultural resources, compatibility of surrounding land uses and whether the proposed pre-zoning designations account for recent actions in the surrounding areas. Comment acknowledged.

- CCC-3: The draft MND has been revised to identify the revegetation that occurred as mitigation for the removal of trees on the site. The revegetation is adjacent to the chenopod scrub habitat in the area proposed to be designated as Coastal Conservation. This information is included in the recirculated draft MND. The rest of the comment reiterates the draft MND conclusions that existing eucalyptus trees on the site are an important biological resource.
- CCC-4: Comment acknowledged. The comment states that the ESHA in the vicinity of the project site is generally referred to as the "eucalyptus ESHA", but other tree species are included in the ESHA. The comment indicates that all trees on the site should be considered in the context of the "important ecosystem functions they provide." The draft MND identifies that existing trees on the site support raptor species in the area. The mitigation measures provide for the preservation of the eucalyptus trees on the site and require that any non-native trees be replaced with native trees. The replacement of trees will ensure that the functional value that existing trees on the site provide would not be lost if a development is proposed on the site in the future. See also response to DFG-4.
- CCC-5: The comment requests that the draft MND consider the habitat function of trees that were removed without authorization. The recirculated draft MND discusses the revegetation that occurred on the site as mitigation for the unauthorized removal of trees on the site. However, since the trees that were removed no longer exist, their habitat function cannot be considered. Additionally, the loss of those trees was mitigated through the revegetation that took place in 2007. None of the existing trees on the site has been determined to be ESHA. Finally, the draft MND considers raptor use of the site and recommends mitigation measures to be incorporated into future development proposals. See response to DFG-5.
- CCC-6: The draft MND did not identify the presence of southern Tarplant or coastal California gnatcatchers on the subject site. Subsequent biological surveys were conducted by LSA in July 2009. The surveys identified the presence of southern Tarplant on the site. The discovery of southern Tarplant on the subject site is analyzed in recirculated draft MND. The recirculated draft MND also recommends a mitigation measure for the relocation of southern Tarplant if development is proposed in the future in areas on the site where southern Tarplant is present. The biological surveys also noted that coastal California gnatcatchers are not present on the site. The survey report indicated that they are not likely to inhabit the site due to an abundance of their preferred habitat on the adjacent Brightwater property. A mitigation measure is proposed that would require focused surveys for coastal California gnatcatchers if development is proposed on the site in the future. See also response to DFG-7.
- CCC-7: The mitigation measure in the draft MND has been revised to state that a "minimum" 100-foot buffer from the boundary of the existing ESHA located immediately south of

the project site shall be provided. This revision was reflected in the recirculated draft MND.

- CCC-8: The mitigation measures have been revised to clarify that all eucalyptus trees shall be preserved on site. Two of the eucalyptus trees are located in the area designated for Coastal Conservation, the other eucalyptus tree is located in the Open Space – Parks and Recreation area. Although the location of the trees in the open space/conservation areas would likely ensure that they could be preserved in place, the mitigation measure indicates that if the trees cannot be preserved in place they shall be relocated elsewhere on the site in coordination with the California Coastal Commission and the DFG. Language allowing the trees to be replaced with native trees in the event the trees could not be preserved or relocated has been deleted from the mitigation measure. In addition, the mitigation measures clarify that all non-native trees to be removed shall be replaced “on site” with native trees. This mitigation measure incorporates recommendations of the DFG. The revised language was included in the recirculated draft MND. See also response to CCC-7 and DFG-4.
- CCC-9: This comment states that a recent Biological Assessment will be required by the California Coastal Commission at the time a Local Coastal Program amendment is submitted to the Coastal Commission. Comment acknowledged.
- CCC-10: This comment reiterates the discussion and analysis of cultural resources in the draft MND. Comment acknowledged.
- CCC-11: Comment acknowledged. An amendment to the City’s Local Coastal Program, subject to approval by the California Coastal Commission, would be required to establish land use designations for the subject site prior to or concurrent with a development proposal. Per the recommended mitigation measure, archeological testing is required prior to a development proposal for the subject site. It is acknowledged that a testing program would require a coastal development permit from the California Coastal Commission.
- CCC-12: Comment acknowledged. The City has conducted early consultation with tribes identified on the Native American Heritage Commission tribal contact list.
- CCC-13: The mitigation measure in the draft MND requiring testing of the site for archeological resources has been revised to include consideration for in-situ preservation of discovered artifacts. The revised language was included in the recirculated draft MND.
- CCC-14: An expanded discussion of the World War II structures on the subject site was included in the recirculated draft MND. In addition, a mitigation measure for documentation of the demolition of the structure was incorporated in the recirculated draft MND. The mitigation measure requires documentation utilizing the same methodology that was used for documenting the demolition of the other structures that made up the Bolsa Chica Military Reservation.

- CCC-15: Figure 3 has been revised to show the City's recent action to re-zone the portion of the Shea property immediately east of the subject site to Coastal Conservation. The figure was revised in the recirculated draft MND.
- CCC-16: Figure 3 of the draft MND has been revised to indicate both the zoning of the adjacent Brightwater site as SP-15 (Specific Plan 15) and the approved land uses for those areas since the zoning designation itself does not describe the land use. The figure was revised in the recirculated draft MND.
- CCC-17: Based on the information in this comment, the language under Land Use and Planning in the draft MND has been revised to analyze the compatibility of the proposed pre-zoning designations with the current zoning and land use designations for the property north of the subject site as well as recent actions to change the zoning designation on a portion of the property immediately to the east to Coastal Conservation. The recirculated draft MND states that the proposed pre-zoning designations would be consistent with existing, approved or under-construction single-family development adjacent to the project area on the east, west and northwest and the open space areas to the east, south and southwest. The zoning would also be consistent with the RA (Residential Agricultural) zoning to the north that allows agricultural uses and single-family development. In addition, the residential zoning designation on the subject site would not conflict with the OS-P (Open Space – Parks) General Plan land use designation on the site to the north as it is common throughout the City to find uses allowed by the residential zoning designation, single-family homes in particular, adjacent to parks and land designated as OS-P. Exhibits in the recirculated draft MND have been revised to reflect recent re-zoning actions on the Shea property to the east.
- CCC-18: See response to CCC-17. The comment is noted that a proposal to change the land use designation on property north of the subject site would require an amendment to the City's Local Coastal Program subject to approval by the California Coastal Commission.
- CCC-19: Recirculated EIR No. 551 analyzed residential development on the subject site at a density of approximately 6.5 – 12.5 dwelling units per acre. The EIR was certified and as such, concluded that the subject site could support development at a similar density as what would be allowed under the proposed pre-zoning designation for 3.2 acres of the subject site. In addition, any future development proposal for the subject site would warrant additional environmental analysis to assess environmental impacts of a particular development proposal. The comment notes that a residential low density zone could result in development that would be inconsistent with the Chapter 3 policies of the Coastal Act. However, any proposal for development of the site would be required to conform to the City's certified Local Coastal Program, which would effectively conform to the policies of Chapter 3 of the Coastal Act. Also, the proposed pre-zoning designations must be found to conform to the City's General Plan including the Coastal Element, which provides for the implementation of the California Coastal Act.

- CCC-20: Comment acknowledged. The draft MND lists all actions on Recirculated EIR No. 551 to provide a complete and accurate record. Although Addendum to Subsequent EIR No. 551 is not referenced in the draft MND, it is described so that the full record of actions on Recirculated EIR No. 551, which did consider the subject site, is disclosed.
- CCC-21: The draft MND cites analysis that was done for the subject site in Recirculated EIR No. 551 as it relates to that particular impact area. However, the draft MND states that a future development project would warrant additional environmental analysis so that impacts of a particular development project can be evaluated for that specific project. The draft MND is also based on recent technical reports for biological and cultural resources. Recirculated draft MND includes revised language and exhibits to reflect recent actions on surrounding properties, including the Shea property to the east, as well as supplemental biological and cultural resources reports with updated information. The mitigation measures identified in the recirculated draft MND require further studies and surveys if development is proposed on the site in the future to provide current (at the time that development may be proposed) analysis of resources on the site.
- CCC-22: This comment suggests that public views to and from the subject site should be protected and maintained even if the land use plan is changed from the current proposal. It should be noted however, that the subject site is private property and existing views from the property would not be considered “public views.” Comment acknowledged.
- CCC-23: The comment suggests that potential for connectivity between existing public trails on adjacent sites should be considered in the pre-zoning process. The 2-acre Open Space – Parks and Recreation designation would provide for potential connectivity to existing formal and informal trails on surrounding properties in the future.

Department of Toxic Substance Control

- DTSC-1: This comment summarizes the project as proposed in the Draft MND. Comment acknowledged.
- DTSC-2: This comment indicates that the Draft MND (“ND”) should identify “whether current or historic uses at the project area may have resulted in any release of hazardous wastes/substances.” Although the Draft MND indicates that the site is not listed on any lists of hazardous sites, the document has been revised to indicate that historic uses included agricultural operations that may have resulted in traces of pesticides or organic waste in the on-site soils (refer to Section V). However, this issue would be further analyzed if development is proposed in the future.
- DTSC-3: This comment indicates that the Draft MND (“ND”) should identify if the site is listed in any database of contaminated sites. The document already indicates that the site is not included on any list of contaminated sites.
- DTSC-4: The comment indicates that the Draft MND (“ND”) should identify a mechanism to initiate remediation for a contaminated site. The project site has not been determined to be a contaminated site, and therefore this comment would not be applicable at this

time. However, further environmental review would be required, including analysis of possible impacts from hazardous materials/waste, if development is proposed in the future.

- DTSC-5: The project does not propose construction or demolition of existing structures, and therefore would not require soil excavation or filling. Further environmental review would be required, including a geotechnical and soils analysis, if development is proposed in the future.
- DTSC-6: The project does not propose construction or demolition of existing structures. Further environmental review would be required, including analysis of possible impacts from hazardous materials, if development is proposed in the future.
- DTSC-7: The project does not propose construction or demolition of existing structures. Further environmental review would be required, including a geotechnical and soils analysis, if development is proposed in the future.
- DTSC-8: The proposed project does not propose construction or demolition of existing structures. Further environmental review would be required, including analysis of possible impacts from hazardous materials, if development is proposed in the future.
- DTSC-9: The proposed project does not propose construction or demolition of existing structures. Further environmental review would be required, including analysis of possible impacts from hazardous wastes, if development is proposed in the future. In addition, proposed pre-zoning designations for the site would likely not generate hazardous wastes.
- DTSC-10: Previous uses for the site include agricultural, World War II activities and a pole yard. If development of the site is proposed in the future, further environmental review would be required, including a geotechnical investigation and soils analysis.
- DTSC-11: This comment provides information on guidance offered by the DTSC for cleanup of contaminated sites. Comment acknowledged.

Local/Regional Agencies

Huntington Beach Environmental Board

- EB-1: The City utilized Geographic Information Systems (GIS) technology to prepare the exhibits in the draft MND. In addition, the text of the draft MND includes a detailed description of the site and potential impacts. Additional information was provided in the recirculated draft MND. The Board reviewed the recirculated draft MND at their meeting on August 6, 2009 and indicated that comments on the draft MND (EB-1 and EB-2) were addressed in the recirculated draft MND.
- EB-2: The comment indicates that input from the local community should be solicited in evaluating the issues of the project, particularly biological resources. Prior to preparation of the draft MND, a biological resources assessment was conducted to identify sensitive biological resources on the project site.

The 30-day comment period provided an opportunity for the local community to provide input on the draft MND, including the analysis regarding biological resources and all reference documents cited within. The City received several comments pertaining to biological resources from agencies and the local community. Based on comments received, additional biological surveys were conducted on the site. Additional surveys were conducted for southern Tarplant, which was not identified in the draft MND but was identified as present on the site in a comment letter, and coastal California gnatcatchers. The updated surveys were included in the recirculated draft MND including mitigation measures to ensure impacts to these resources would not be significant in the event development is proposed on the site in the future.

Huntington Beach Historic Resources Board

HRB-1: This comment is requesting a more comprehensive report be generated as a result of the comments provided in the letter. Comment acknowledged.

HRB-2: This comment states that there are two important historical resources on the site, the prehistoric site ORA-83 "the cogged stone site" and a portion of a World War II military bunker. Both of these resources are discussed in the cultural resources section of the draft MND and recirculated draft MND (pages 29 - 31). In addition, expanded discussion of the World War II bunker, including a mitigation measure to address impacts if demolition of the underground building is ever proposed, is included in the recirculated draft MND.

HRB-3: See response to HRB-2. Cultural resources on the Goodell site have been documented for purposes of analyzing potential impacts from the proposed pre-zoning and annexation of the site in accordance with CEQA guidelines. The analysis contained in the draft MND was based on a Cultural Resources Survey Report prepared by SWCA in 2007. Subsequent to the comment period on draft MND No. 08-017, a supplemental cultural resources report was prepared by SRS, Inc. in May 2009. This information was utilized to expand the discussion in Recirculated draft MND No. 08-017. The comment indicates that different pre-zoning designations for the site are warranted based on the significance of cultural resources on the site. However, the military bunker is not a significant historical resource. A proposed mitigation measure provides for documentation of the building in the same manner as the other two World War II buildings that have been demolished in the vicinity. Mitigation measure CR-1 requires testing of the entire subject site to determine the extent of archeological resources on the subject site, although the site has been heavily disturbed in the past by previous uses. Based on the information provided in both cultural resource reports for the subject site, it is likely that any intact resources would be discovered in the areas pre-zoned for Coastal Conservation and Open Space - Parks and Recreation where the least amount of disturbance has occurred. It should be noted that since the site has never been tested, it is possible that resources may be discovered in the area proposed to be pre-zoned for Low Density Residential. However, the proposed pre-zoning designations would be adequate based on information currently available for the site. Testing of the site would be premature since no development is proposed or reasonably foreseeable at this time.

HRB-4: See response to HRB-3. The comment indicates that the pre-zoning designation for residential uses is "premature", but it should be noted that existing zoning on the site is

residential. In this context, pre-zoning of approximately half of the site for uses that the property is currently zoned for would not be considered premature, especially given that previous Recirculated EIR No. 551, which was certified in 1996, analyzed environmental impacts of residential development of the site.

HRB-5: The proposed pre-zoning designations for the site are based on information regarding biological and cultural resources on the site as well as existing surrounding land uses and zoning/land use designations. The draft MND identifies the existing County zoning of the site for comparative purposes, which is important since an EIR was previously certified for the zoning and potential residential development of the site. The draft MND does consider archeological resources that have been discovered on the Brightwater site and, in part, bases the likelihood of archeological resource discovery at the subject site on this information. Mitigation measures for resource recovery on the Brightwater site were certified as adequate and sufficient with previous environmental analysis for the project (Subsequent EIR No. 551 and Addendum to Subsequent EIR No. 551). Recirculated draft MND No. 08-017 includes expanded discussion of the military bunker on the subject site, which includes a proposed mitigation measure if the bunker is proposed to be demolished in the future. See response to HRB-2 and HRB-3. The analysis in the draft MND and recirculated draft MND disclose the potential significance of the resources and, as such, provide mitigation measures in the event that development is proposed on the site in the future to ensure the proper treatment of the resources.

HRB-6: Pre-zoning designations are required for annexation of the property into the City. The pre-zoning designations were determined based on a number of factors, including available information regarding biological and cultural resources on the property. The property is not currently designated as open space. The property is currently designated as residential and the current condition of the site is undeveloped.

Organizations/Individuals

Mark Bixby

BIX-1: The exhibits in the draft MND & recirculated draft MND show the general locations for assessing environmental impacts of the proposed pre-zoning and annexation project. The City's Geographic Information Systems (GIS) program was utilized in preparing the exhibits and provides sufficient detail to adequately assess the impacts of the project. Legal descriptions are not required at this point in time.

BIX-2: See response to BIX-1. In addition, mitigation measures ensure that future development maintain adequate buffers from existing ESHA in accordance with the City's certified LCP.

BIX-3: See response to BIX-1. Access to GIS data can be obtained from contacting the City's Information Systems Department.

BIX-4: The comment indicates that the draft MND failed to identify "several populations" of southern Tarplant on the Goodell site. Subsequent to receiving this comment, additional surveys were conducted in July 2009 and concluded that southern Tarplant is present on the site. The survey notes the frequency of small numbers of the species

throughout the site and in recently disturbed areas and the presence of a large group of very small seedlings, which indicates that the introduction of southern Tarplant in the area is recent and has high dispersal rates. The report indicates that a population of several thousand in a relatively natural habitat should be considered significant, warranting avoidance or relocation; however, the number of well-developed Tarplant individuals on the subject site would not be a significant population because they are fairly recent in disturbed non-native habitat. The new information has been added to the recirculated draft MND. In addition, the recirculated draft MND identifies a mitigation measure for the relocation of southern Tarplant if development is proposed on the site in the future in areas where southern Tarplant is present.

- BIX-5: The eucalyptus trees on the Goodell site, while adjacent to the ESHA, have not been determined to be ESHA. In addition, two of the eucalyptus trees are located within the Coastal Conservation designation and the third eucalyptus tree is located within the Open Space – Parks and Recreation designation. Recognizing the importance of the eucalyptus trees as a resource, a mitigation measure has been identified that would require the preservation of the existing eucalyptus trees on the site if development is proposed in the future. See response to DFG-4.
- BIX-6: See response to BIX-5. Prior to or concurrent with a development proposal for the site, an amendment to the City's Local Coastal Program to designate land use designations for the subject site will be required. The amendment will be subject to review and approval by the California Coastal Commission.
- BIX-7: This comment provides information on the raptor sightings that the commenter and others have observed on the subject site and surrounding area. The commenter offers to make his data files available to interested readers. Comment acknowledged.
- BIX-8: The commenter provides information on the location of two eucalyptus trees that were not identified in the biological resources survey prepared by SWCA in 2007. Subsequent to receiving this comment, staff verified the number of eucalyptus trees on the subject site. The two eucalyptus trees that were initially identified in the southwestern corner of the site are outside of the boundaries of the Goodell property. Therefore, the number of eucalyptus trees on the site is three. The two eucalyptus trees identified by the commenter are located in the area proposed to be designated as Coastal Conservation and the third eucalyptus tree is located within the Open Space – Parks and Recreation designation. The recirculated draft MND has been corrected to reflect this (refer to Section V).
- BIX-9: The commenter asserts that an EIR is required "since this pre-zoning process moves the site one step closer to development." However, the site is currently designated as residential in the County, and the proposed pre-zoning designations would convert three acres of existing residentially zoned land to open space/conservation area. As such, the pre-zoning designations do not facilitate development of the site such that the proposed project moves the site one step closer to development. The project under consideration is for the annexation to bring a County "island" into City jurisdiction. Pre-zoning the site is required for annexation and essentially retains the existing County zoning that already governs the property and is in fact more protective in that it proposes three acres to be designated Open Space/Conservation in light of adjacent

land use activities. In addition, based on the environmental analysis of Recirculated draft MND No. 08-017, impacts from the proposed project were not determined to be significant and an EIR would not be required. It should also be noted that Recirculated EIR No. 551 was certified for the property in 1996. The EIR analyzed potential development of the property in conjunction with a proposed land use plan for the Bolsa Chica. The property was part of a larger 34-acre area that was analyzed for residential development.

California Cultural Resource Preservation Alliance

CCRP-1: This comment refers to the archeological site (CA-ORA-83/86/144) that is discussed in the draft MND. The comment notes that the site has been determined for eligibility for listing on the National Register of Historic Places and is listed on the sacred site registry of the Native American Heritage Commission. The commenter indicates that the project is subject to SB18, a statute that requires consultation with Native American tribes prior to amendments or adoption of a general plan, local coastal program or specific plan. Although the proposed project does not propose any of the amendments that trigger consultation under SB18, staff conducted pre-planning outreach consultation with the responding tribes for the project. The SB18 consultation is conducted separate from the CEQA process.

CCRP-2: The commenter expresses concerns regarding the proposed “pre-zoning and annexation and development plans for the 6.2 acres of property known as the Goodell property.” The project does not propose development of the site and no development plans have been submitted in conjunction with the project. The remaining part of the comment expresses concern with the loss of the archeological site and is acknowledged.

CCRP-3: The comment indicates that there is no discussion of archeological resources on the Goodell site. The draft MND and recirculated draft MND discuss the potential for archeological resources on the site and analyze impacts as they relate to the pre-zoning and annexation project. In addition, the recirculated draft MND includes mitigation measures for further testing of the site prior to a proposal for development.

Bolsa Chica Land Trust

BCLT-1: This comment indicates the commenter’s position that the entire 6.2-acre property is part of the archeological site CA-ORA-83. The draft MND and recirculated draft MND acknowledge that the archeological site exists on the Goodell property. However, the Goodell property has never been tested to determine the boundaries of the archeological site. Therefore, it would be premature to assume the exact extent or acreage of the archeological site on the property. It should be noted that the information contained in the Cultural Resources Survey Report (SWCA 2007) and the supplemental report, History of Archeological Investigations on the Goodell Parcel (SRS 2009), indicate that the Goodell property is highly disturbed and may not contain the same number, type and nature of resources found on adjacent properties. A mitigation measure is recommended to require testing of the entire Goodell property to determine the extent of the archeological site prior to a development proposal on the property. The mitigation measure requires further mitigation such as in-situ preservation or data recovery excavation if resources are encountered.

BCLT-2: This comment states that the commenter has attached exhibits to support the position that CA-ORA-83 exists on the entire Goodell site and “to illustrate the significance of ORA 83.” The discussion that follows summarizes the attachments and generally discusses the resources that were found at the adjacent Brightwater site. The draft MND and recirculated draft MND disclose that large portions of the excavated areas of CA-ORA-83 outside of the project boundaries have documented presence of a prehistoric cemetery. The draft MND and recirculated draft MND also disclose that it is likely that intact resources may exist on the Goodell site based, in part, on this information. To this end, a mitigation measure requiring further testing on the site to determine the extent of the archeological site on the property is recommended for future development proposals on the site.

BCLT-3: This comment lists several reasons why it is “important to preserve the archeological site on the Goodell property.” The pre-zoning and annexation project does not propose to destroy the archeological site on the Goodell property. In fact, the draft MND and recirculated draft MND recognize that the property may contain resources that are important to local and regional prehistory and, as such, recommend a mitigation measure for further testing of the entire property for archeological resources prior to a development proposal on the property. It should be noted however, that the site is highly disturbed in areas due to historical use of the site including construction of an underground building for World War II purposes and grading and terracing for a telephone pole yard.

BCLT-4: The comment states that archeological sites are “fragile and non-renewable”. The comment requests that a “witness area” be preserved for future generations and that advanced non-destructive techniques be used. Comment acknowledged. The proposed pre-zoning designations provide for approximately three acres of open space/conservation area. The area designated for Open Space -Parks and Recreation could be utilized as a “witness area” in the future, although discussion of this idea is not applicable to the proposed project and would be more relevant if development is proposed in the future after testing has occurred on the site. In addition, areas of CA-ORA-83 have been kept in open spaces areas on the adjacent Brightwater site. Mitigation Measure CR-1 has been revised to delete language requiring backhoe trenching during testing of the site and instead calls for the utilization of available technology as appropriate and feasible during site testing (See Section V).

BCLT-5: The comment asserts that “residential development on this archeological site is not appropriate.” The comment suggests that an EIR is required. The proposed pre-zoning and annexation project does not propose residential development of the site. The project under consideration is for the annexation to bring a County “island” into City jurisdiction. Pre-zoning the site is required for annexation and essentially retains the existing County zoning that already governs the property and is in fact more protective in that it proposes three acres to be designated Open Space/Conservation in light of adjacent land use activities. In addition, it is not known if the residentially designated area is within the portion of the site that contains archeological resources. CEQA requires that all direct and reasonably foreseeable indirect impacts of a project be evaluated. The project does not result in direct environmental impacts since no development is proposed. In addition, it is not known if a development project would be proposed in the future. Since the project would result in the same zoning that

currently exists on three acres of the site and would convert three acres of residentially zoned property to open space/conservation area, the project does not facilitate development of the property such that development of the property is “reasonably foreseeable”. As such, the project would not result in environmental impacts. Because there are biological and cultural resources in the vicinity of the site, the City retained consultants to prepare technical reports for biological and cultural resources as part of the environmental assessment. These reports recommended mitigation measures in the event that development were ever to be proposed. Furthermore, an EIR was certified for this site in 1996. The EIR analyzed potential residential development of the site in conjunction with a proposed land use plan for the Bolsa Chica area. See response to HRB-3.

Sandra Genis

- GEN-1: Commenter is submitting comments on behalf of herself and the Bolsa Chica Land Trust. Comment acknowledged.
- GEN-2: The comment discusses the various biological and cultural resources on the subject site. See response to BIX-4 and BIX-5.
- GEN-3: The comment summarizes the proposed pre-zoning designations. Comment acknowledged.
- GEN-4: Comment acknowledged. Recirculated draft MND No. 08-017 discloses that the Open Space -Parks and Recreation designation would allow revegetation and grading.
- GEN-5: The draft MND discloses the range of allowable uses under the pre-zoning designations. 22 residential units would represent the maximum, or most intense use, that could be permitted under the residential pre-zoning designation. The draft MND further states future entitlements that would be required in order to develop the site. However, the draft MND does not speculate the nature and extent of a future project on the site. Additionally, the pre-zoning and annexation project does not necessarily mean that development of the site is anticipated. CEQA requires that all direct and reasonably foreseeable indirect impacts of a project be evaluated. The project does not result in direct environmental impacts since no development is proposed. In addition, it is not known if a development project would be proposed in the future. Since the project would result in the same zoning that currently exists on three acres of the site and would convert three acres of residentially zoned property to open space/conservation area, the project does not facilitate development of the property such that development of the property is “reasonably foreseeable”. Therefore, the project would not result in indirect environmental impacts. Finally, it should be noted that Recirculated EIR No. 551 analyzed environmental impacts of residential development of the site. The EIR was certified as adequate in 1996.
- GEN-6: This comment references CEQA and case law regarding the requirement for preparation of an EIR. Comment acknowledged.
- GEN-7: This comment asserts that adoption of a MND for the project is inappropriate and indicates that the project would result in the potential for significant adverse impacts. See response to GEN-5 and GEN-8 below.

- GEN-8: See response to GEN-5. The discussion in the draft MND and recirculated draft MND provides information, when available, as to potential areas of impact if development is proposed in the future. The information regarding these future impacts should not be construed as evidence that the proposed project will result in environmental impacts, since, as discussed above, the project, will not result in direct or indirect environmental changes. A future development project would warrant environmental review. The extent of the environmental review is not known since the details of a future project are unknown. The draft MND indicates that environmental impacts would be analyzed for a specific development project if a development project is proposed in the future. The draft MND does not "promise" anything beyond additional environmental analysis in accordance with CEQA requirements.
- GEN-9: Although the subject site is vacant land, the site's zoning and General Plan land use designations are residential. Recirculated EIR No. 551, which analyzed residential development on the subject site, was certified by the County of Orange in 1996. The proposed pre-zoning designations do not represent a change in the allowable uses that would result in physical changes in the environment that were not previously considered when the County's General Plan was adopted. The proposed pre-zoning designations would not establish a development envelope for the site, rather it would reduce the existing development envelope on the site.
- GEN-10: See responses to BIX-9 and GEN-5.
- GEN-11: This comment summarizes the points made in the next several comments regarding potential impacts in several topical areas including geology, water quality, traffic/transportation, air quality, biological resources, cultural resources, noise and aesthetics, which are responded to below. Comment acknowledged.
- GEN-12: The proposed project (pre-zoning and annexation of the subject site) would not result in impacts to geology and soils. Development of the site, if proposed in the future, would be analyzed for impacts to the environment, including geology and soils, at the time development is proposed. It is not reasonably foreseeable at this time to assume that a development project will be proposed for the site. Because there are biological and cultural resources in the vicinity of the site, the City retained consultants to prepare technical reports for biological and cultural resources as part of the environmental assessment. These reports recommended mitigation measures in the event that development were ever to be proposed. The draft MND also identifies best management practices that would be implemented to avoid impacts from runoff and erosion to these resources if development is proposed on the site in the future. See also response to GEN-5.
- GEN-13: The proposed project (pre-zoning and annexation of the subject site) would not result in impacts to hydrology and water quality. Development of the site, if proposed in the future, would be analyzed for impacts to the environment, including hydrology and water quality, at the time development is proposed. It is not reasonably foreseeable at this time to assume that a development project will be proposed for the site. Because there are biological and cultural resources in the vicinity of the site, the City retained

consultants to prepare technical reports for biological and cultural resources as part of the environmental assessment. These reports recommended mitigation measures in the event that development were ever to be proposed. The draft MND also identifies best management practices that would be implemented to avoid impacts from runoff and erosion to these resources if development is proposed on the site in the future. See also response to GEN-5.

GEN-14: The proposed project (pre-zoning and annexation of the subject site) would not result in impacts to air quality. Development of the site, if proposed in the future, would be analyzed for impacts to the environment, including air quality, at the time development is proposed. It is not reasonably foreseeable at this time to assume that a development project will be proposed for the site. See also response to GEN-5.

GEN-15: The proposed project (pre-zoning and annexation of the subject site) would not result in impacts to traffic. Development of the site, if proposed in the future, would be analyzed for impacts to the environment, including traffic, at the time development is proposed. It is not reasonably foreseeable at this time to assume that a development project will be proposed for the site. See also response to GEN-5. In addition, the potential contribution of daily vehicle trips for 22 units, the most intense use allowed by the pre-zoning designation, would likely not result in significant impacts. The cumulative impact of 22 units at an intersection already experiencing capacity issues would likely not contribute to a reduction in level of service at that intersection. It should also be noted that the recirculated draft MND indicates that no feasible mitigation for the intersection was available at the time the Brightwater project was analyzed. Mitigation at the intersection would not be precluded in the future.

GEN-16: See responses to DFG-4, CCC-4, BIX-4 and BIX-8. Impacts due to predation by domestic pets and planting of invasive species are not applicable to the proposed project as the project would not increase the number of domestic pets or invasive plant species in the area. The comment indicates that a 100-foot buffer is inadequate (presumably to area determined to be ESHA). However, the 100-foot buffer is the current minimum required by the City's certified Local Coastal Program and is reflected in the proposed mitigation measures.

GEN-17: The recirculated draft MND provides expanded discussion on the World War II underground building on the site. The analysis also includes a mitigation measure for documentation of demolition of the structure if demolition is proposed in the future. See also response to CCC-14. The comment goes on to indicate reasons why the archeological site is important and should be preserved. Mitigation Measure CR-1 requires that if intact resources are discovered during testing, in-situ preservation shall be considered first. If in-situ preservation is not feasible a data recovery plan would be required.

GEN-18: The comment asserts that the site contains intact cultural deposits. Since the site has not yet been tested, it is speculative to assume that it is certain that intact deposits exist on the site. However, it should be noted that both cultural resources reports prepared for the project indicate that it is likely that intact deposits exist, although the extent of the deposits would be limited due to the high degree of previous disturbance on the site. See also response to BCLT-4.

- GEN-19: The proposed project (pre-zoning and annexation of the subject site) would not result in impacts to noise. Development of the site, if proposed in the future, would be analyzed for impacts to the environment, including noise, at the time development is proposed. It is not reasonably foreseeable at this time to assume that a development project will be proposed for the site. See also response to GEN-5.
- GEN-20: The proposed project (pre-zoning and annexation of the subject site) would not result in impacts to aesthetics. Development of the site, if proposed in the future, would be analyzed for impacts to the environment, including aesthetics, at the time development is proposed. It is not reasonably foreseeable at this time to assume that a development project will be proposed for the site. However, the open space designations would provide for opportunities to establish public viewpoints from the site. See also response to GEN-5.
- GEN-21: The proposed project (pre-zoning and annexation of the subject site) would not result in climate change impacts. Development of the site, if proposed in the future, would be analyzed for impacts to the environment, including climate change, at the time development is proposed. It is not reasonably foreseeable at this time to assume that a development project will be proposed for the site. In addition, the project itself, when compared to the existing zoning designation, would be limiting potential for environmental impacts in the future since the project itself is reducing the area allowable for residential development on the site by nearly half. See also response to GEN-5.
- GEN-22: Based on the analysis of the recirculated draft MND, which was prepared in accordance with CEQA guidelines, the proposed project (the pre-zoning and annexation of the subject site) would not result in significant environmental impacts either directly or indirectly.

RESPONSE TO COMMENTS RECIRCULATED DRAFT MITIGATED NEGATIVE
DECLARATION (MND) NO. 08-017 – (comment period 7/27/09 – 8/25/09)

State Departments

California Coastal Commission

- CCC-1: Comment states that the CCC is in receipt of the document and appreciates the opportunity to review the document. Comment acknowledged.
- CCC-2: The comment states that the recirculated draft MND more accurately reflects the existing surrounding land uses and land use designations. The comment also states that the CCC retains concerns regarding the pre-zoning designations protection of "on-site environmentally sensitive habitat areas and all necessary buffer areas." Comment acknowledged. It should be noted that neither all nor a portion of the subject site has been determined to be ESHA.
- CCC-3: The comment indicates that the CCC did not review the subsequent biological surveys and therefore retains concerns in the initial comments on draft MND No. 08-017. See responses to CCC-1 through CCC-23 for draft MND No. 08-017.
- CCC-4: See responses to CCC-11 and CCC-12 for draft MND No. 08-017.
- CCC-5: Comment acknowledged. See responses to CCC-1 through CCC-23 for draft MND No. 08-017.

Organizations/Individuals

California Cultural Resource Preservation Alliance (8/5/09)

- CCRP(A)-1: Comment acknowledged. The extent of the archeological site on the Goodell property is unknown since the site has not yet been tested. The discussion of archeological resources in the recirculated draft MND is based on two technical reports on the issue. The analysis in the recirculated draft MND provides adequate information and detail for analyzing potential environmental impacts for purposes of CEQA. See also response to GEN-8 for draft MND No. 08-017
- CCRP(A)-2: The comment indicates that the subject property has recently been listed as part of the archeological site CA-ORA-83 eligibility for listing on the National Register of Historic Places. The comment asserts that an EIR would be required due to this listing. The fact that the National Park Service has recently determined that CA-ORA-83 is eligible for listing on the National Register of Historic Places does not automatically require preparation of an EIR under the provisions of CEQA. It should be noted that CA-ORA-83 was deemed eligible for listing on the National Register of Historic Places by the State Office of Historic Preservation in 1983 based upon a petition filed by the Pacific Coast Archaeological Society. EIR No. 551 was certified for Bolsa Chica in the early 1990s recognizing that the site was eligible for listing on the National Register and prescribed mitigation measures based on that fact.

This comment recommends that consultation should be conducted under SB18 since “a General Plan change is involved.” Staff has conducted consultation with responding tribes as pre-planning outreach. It should be noted that the project does not propose a General Plan amendment. An amendment to the General Plan would be required prior to or in conjunction with a development proposal for the site.

CCRP(A)-3: This comment indicates general support for the annexation of the site but requests that future development of the site employ avoidance or preservation of the archeological site. Comment acknowledged. Mitigation Measure CR-1 requires testing of the entire subject property to determine the extent of the archeological site on the property. If intact subsurface deposits exist, the mitigation measure requires that in-situ preservation be considered first. If in-situ preservation is not feasible then a data recovery plan would be required.

California Cultural Resource Preservation Alliance (8/20/09)

CCRP(B)-1: The comment requests that preservation of intact site remnants, if any, be given a high priority during zoning of the site. The comment also states that “indiscriminately zoning the level areas of the site for low density housing will almost certainly result in the destruction of this significant property.” See response to HRB-3 from draft MND No. 08-017. In addition, Mitigation Measure CR-1 requires that if intact subsurface deposits are discovered on the site, in-situ preservation shall be considered first. If in-situ preservation is not feasible then a data recovery plan would be required. See also response to CCRP(B)-2.

CCRP(B)-2: This comment requests that backhoe trenching not be utilized during site testing. To this end, Mitigation Measure CR-1 has deleted language requiring backhoe trenching during site testing and instead provides for the utilization of available technology as appropriate and feasible.

CCRP(B)-3: See response to CCRP(B)2.

CCRP(B)-4: Comment acknowledged. The Open Space – Parks and Recreation designated area would allow for an interpretive center on the subject property.

California Cultural Resource Preservation Alliance (8/22/09)

CCRP(C)-1: This comment provides additional information regarding available technology for archeological site testing. The comment will be forwarded to the property owner for reference. See also response to CCRP(B)-2.

CCRP(C)-2: Comment acknowledged. Mitigation Measure CR-1 requires that in-situ preservation be considered first in the event that intact cultural deposits are discovered during site testing.

Isabelle Chasse

CHAS-1: This comment raises opposition to future development of the site. Comment acknowledged.

Sandra Genis

- GEN-1: Commenter is submitting comments on behalf of herself and the Bolsa Chica Land Trust. Comment acknowledged.
- GEN-2: The comment request that all comments on draft MND No. 08-017, circulated in March/April 2009 be included in the record. Comment acknowledged. See responses to GEN-1 through GEN-22 for draft MND No. 08-017.
- GEN-3: This comment is the same as comment GEN-2 from draft MND No. 08-017. See response to GEN-2 for draft MND No. 08-017.
- GEN-4: This comment is the same as comment GEN-3 from draft MND No. 08-017. See response to GEN-3 for draft MND No. 08-017.
- GEN-5: This comment is the same as comment GEN-4 from draft MND No. 08-017. See response to GEN-4 for draft MND No. 08-017.
- GEN-6: This comment is the same as comment GEN-5 from draft MND No. 08-017. See response to GEN-5 for draft MND No. 08-017.
- GEN-7: This comment is the same as comment GEN-6 from draft MND No. 08-017. See response to GEN-6 for draft MND No. 08-017.
- GEN-8: This comment is the same as comment GEN-7 from draft MND No. 08-017. See response to GEN-7 for draft MND No. 08-017.
- GEN-9: This comment is the same as comment GEN-8 from draft MND No. 08-017. See response to GEN-8 for draft MND No. 08-017.
- GEN-10: This comment is the same as comment GEN-9 from draft MND No. 08-017. See response to GEN-9 for draft MND No. 08-017.
- GEN-11: This comment is the same as comment GEN-10 from draft MND No. 08-017. See response to GEN-10 for draft MND No. 08-017.
- GEN-12: This comment is the same as comment GEN-11 from draft MND No. 08-017. See response to GEN-11 for draft MND No. 08-017.
- GEN-13: This comment is the same as comment GEN-12 from draft MND No. 08-017. See response to GEN-12 for draft MND No. 08-017.
- GEN-14: This comment is the same as comment GEN-13 from draft MND No. 08-017. See response to GEN-13 for draft MND No. 08-017.
- GEN-15: This comment is the same as comment GEN-14 from draft MND No. 08-017. See response to GEN-14 for draft MND No. 08-017.
- GEN-16: This comment is the same as comment GEN-15 from draft MND No. 08-017. See response to GEN-15 for draft MND No. 08-017.

GEN-17: The recirculated draft MND indicates that a finding of significance for the southern Tarplant that exists on the site would be speculative since the number of well-developed Tarplant individuals on the subject site do not meet the criteria to be considered a significant Tarplant population. It is speculative to consider the existing southern Tarplant on the subject site because it is not known if the species will flourish and grow to become a significant population of southern Tarplant. The recirculated draft MND indicates that a population of several thousand in a relatively natural habitat should be considered significant, warranting avoidance or relocation. The recirculated draft MND also indicates that implementation of a tarplant relocation program in the event development is proposed in the future and avoidance cannot be achieved would mitigate impacts. As a conservative approach, the recirculated draft MND recommends a mitigation measure requiring relocation of impacted southern Tarplant colonies regardless of whether they are considered a significant population. In this case, the recirculated draft MND does treat the tarplant as significant. The recirculated draft MND recommends relocation of the tarplant in the area proposed to be designated as Coastal Conservation and along the southern boundary of the subject property in the area proposed to be designated as Open Space – Parks and Recreation. In addition, the recommended mitigation measure requires that a southern Tarplant relocation program be prepared by a qualified Biologist. The qualified biologist would recommend the most appropriate location on the site for relocation and would ensure that the relocation would not displace other potentially sensitive species. As the recirculated draft MND states, the Open Space – Parks and Recreation designated area would be suitable for relocation given the species ability to flourish in disturbed areas. See also response to GEN-16.

GEN-18: See response to GEN-17 for draft MND No. 08-017. In addition, the project itself would not result in significant environmental impacts. However, because there are biological and cultural resources in the vicinity of the site, the City retained consultants to prepare technical reports for biological and cultural resources as part of the environmental assessment. These reports recommended mitigation measures in the event that development were ever to be proposed. These mitigation measures have been included in the recirculated draft MND and represent the minimum mitigation measures that would be required for a development project on the site. It should be noted that CA-ORA-83 was determined to be significant and was analyzed as such in Recirculated EIR No. 551. The EIR was certified for Bolsa Chica in the early 1990s recognizing the significance of the site and prescribed mitigation measures based on that fact.

GEN-19: See response to GEN-17 for draft MND No. 08-017. All material received from the Bolsa Chica Land Trust has been included in the record for the proposed project. The recirculated draft MND does not intend to “belittle” the significance of archeological resources. The discussion and analysis included in recirculated draft MND is based on two separate technical reports for cultural resources. The level of disturbance that has occurred on the site is well documented in the reports and is stated in the recirculated draft MND as a matter of disclosure as well as to analyze environmental impacts of the project.

GEN-20: This comment is the same as comment GEN-18 from draft MND No. 08-017. See response to GEN-18 for draft MND No. 08-017.

GEN-21: This comment is the same as comment GEN-19 from draft MND No. 08-017. See response to GEN-19 for draft MND No. 08-017.

GEN-22: This comment is the same as comment GEN-20 from draft MND No. 08-017. See response to GEN-20 for draft MND No. 08-017.

GEN-23: In general, the uses permitted under the proposed RL (Low Density Residential) pre-zoning designation on 3.2 acres of the subject property are consistent with the uses permitted under the existing (RA) Residential Agricultural zoning designation to the north. Even though the RL zoning designation would allow residential units at a higher density, the uses would be compatible because the nature of the allowable uses is the same. Additionally, the proposed RL pre-zoning designation would be compatible with the General Plan Land Use designation on the site to the north. See response to CCC-17 for draft MND No. 08-017.

GEN-24: This comment is the same as comment GEN-21 from draft MND No. 08-017. See response to GEN-21 for draft MND No. 08-017.

GEN-25: This comment is the same as comment GEN-22 from draft MND No. 08-017. See response to GEN-22 for draft MND No. 08-017.

Bolsa Chica Land Trust

BCLT-1: This comment indicates that the subject site is included as part of the archeological site CA-ORA-83, which was determined to be eligible for listing on the National Register of Historic Places. This is reflected in the final Recirculated draft MND (see Section V). The comment also asserts that due to this listing an EIR is required. The listing of the subject site on the National Register of Historic Places does not trigger the requirement for an EIR. The fact that the National Park Service has recently determined that CA-ORA- 83 is eligible for listing on the National Register of Historic Places does not automatically require preparation of an EIR under the provisions of CEQA. It should be noted that CA-ORA-83 was deemed eligible for listing on the National Register of Historic Places by the State Office of Historic Preservation in 1983 based upon a petition filed by the Pacific Coast Archaeological Society. EIR No. 551 was certified for Bolsa Chica in the early 1990s recognizing that the site was eligible for listing on the National Register and prescribed mitigation measures based on that fact.

BCLT-2: This comment provides a summary of the attachment provided, which includes a copy of the revocation request for the Brightwater coastal development permit. Comment acknowledged.

BCLT-3: The project itself would not result in significant environmental impacts. See responses to GEN-5 and GEN-9 for draft MND No. 08-017.

Because there are biological and cultural resources in the vicinity of the site, the City retained consultants to prepare technical reports for biological and cultural resources

as part of the environmental assessment. These reports recommended mitigation measures in the event that development were ever to be proposed. These mitigation measures have been included in the recirculated draft MND and represent the minimum mitigation measures that would be required for a development project on the site. It should be noted that CA-ORA-83 was determined to be significant and was analyzed as such in Recirculated EIR No. 551. The EIR was certified for Bolsa Chica in the early 1990s recognizing the significance of the site and prescribed mitigation measures based on that fact.

V. ERRATA TO RECIRCULATED DRAFT MITIGATED NEGATIVE DECLARATION NO. 08-017

The following changes to Recirculated Draft Mitigated Negative Declaration No. 08-017 and Initial Study Checklist are as noted below. The changes to the Recirculated Draft Mitigated Negative Declaration as they relate to issues contained within this errata sheet do not affect the overall conclusions of the environmental document. Revisions are below as excerpts from the Initial Study text, with a ~~line-through~~ deleted text and **bold** and double-underlined font beneath inserted text. In order to indicate the location in the Initial Study where text has been changed, the reader is referred to the page number of the Initial Study.

Page 19 – Biological Resources

There are three existing eucalyptus trees on the site. All three are within the area proposed to be zoned for Open Space – Parks and Recreation **and Coastal Conservation** and will be preserved on the site.

Page 25 – Hazards and Hazardous Materials

The project involves the pre-zoning and annexation of a 6.2-acre site currently located in unincorporated County of Orange. **Historic uses on the site included agricultural operations that may have resulted in traces of pesticides or organic waste in the on-site soils.** The project would not result in impacts from hazards and hazardous materials and does not contemplate development of the site. However, a portion of the site is proposed to be zoned for single-family residential uses and would allow for a range of residential uses as well as limited commercial use classifications such as nurseries and wireless communication facilities to be proposed. Impacts related to hazards and hazardous materials would be analyzed if and when development is proposed. No impacts would occur.

Pages, 17, 18 & 29 – Biological & Cultural Resources

Because there are biological and cultural resources in the vicinity of the site, the City retained consultants to prepare technical reports for biological and cultural resources as part of the environmental assessment. These reports recommended mitigation measures in the event that development were ever to be proposed. These mitigation measures have been included in the recirculated draft MND and represent the minimum mitigation measures that would be required for a development project on the site. However, the project itself would not result in significant environmental impacts, and therefore, the environmental checklist should be checked for the appropriate impact heading. In this case, the box under the heading of “*potentially significant unless mitigation incorporated*” would be deleted and the box under the heading of “*less than significant*” would be checked. Note that the mitigation measures are still incorporated for future inclusion in a development proposal for the site.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	-----------

VII. BIOLOGICAL RESOURCES. Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources: _____) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources: _____) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: _____) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (Sources: _____) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

XIV. CULTURAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Sources: _____) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Sources: _____) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources: _____) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: _____) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ATTACHMENT NO. 5.26

Page 30 – Cultural Resources

The Report indicated that 16 cultural resource studies have been conducted within or adjacent to the project area. 11 of the studies are specific to the previously recorded prehistoric archaeological site CA-ORA-83, which is listed on the California Native American Heritage Commission registry of sacred sites. **CA-ORA-83 is also listed as eligible for listing on the National Register of Historic Places.**

Page 31 – Cultural Resources

***Mitigation Measure CR-1:** Prior to determination of a complete application submittal for development of the site, testing shall be done by a qualified archaeologist to determine the vertical and horizontal extents of site CA-ORA-83/CA-ORA-144 within the property, including the presence or absence of intact historic and prehistoric deposits if such exist subsurface deposits. The testing program should be multi-phased including a full property survey and documentation of present condition, and utilize all available and appropriate technology, as feasible. ~~Backhoe trenching in and amongst historic structure locations and along parcel boundaries shall be conducted to verify the presence or absence of intact historic and prehistoric deposits if such exist. Hand excavations shall be conducted in order to establish the extent, depth, nature and content of midden deposits if such remain.~~ If site remnants are located, in-situ preservation shall be considered. If preservation is not possible, a data recovery program shall be required. If required, data recovery excavation shall be completed prior to any ground disturbing activities.*

APPENDIX A

Comments on Draft MND No. 08-017 **(comment period 3/26/09 – 4/24/09)**

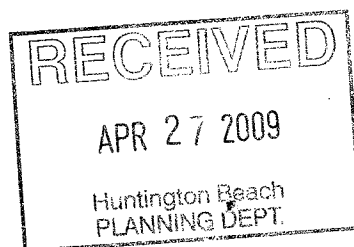
ATTACHMENT NO. 5.28

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2267
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*Flex your power!
Be energy efficient!*



April 23, 2009

Ms. Jennifer Villaseñor
City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, California 92648

File: IGR/CEQA
SCH #: 2009031094
Log #: 2237
SR-1

Subject: Goodell Property Pre-Zoning and Annexation

Dear Ms. Villaseñor:

Thank you for the opportunity to review and comment on the **Initial Study and Mitigated Negative Declaration for the Goodell Property Pre-Zoning and Annexation Project**. The proposed project involves the pre-zoning and annexation of approximately 6.2 acres of property in the County of Orange unincorporated Bolsa Chica area located on the Upper Bench of the Bolsa Chica Mesa. The City of Huntington Beach agreed to process this annexation at the request of the Orange County Local Agency Formation Commission (LAFCO) in conjunction with the annexation of the Brightwater Project into the City of Huntington Beach. The proposed zoning would allow up to 22 single-family homes to be developed. The project site is located at the terminus of Bolsa Chica Street, south of Los Patos Avenue, in an unincorporated area of Orange County, adjacent to the City of Huntington Beach.

DOT-
1

The California Department of Transportation, District 12 is a commenting agency on this project, and has no comment at this time.

DOT-
2

Please continue to keep us informed of this project and any future developments which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Zhongping (John) Xu at (949) 724-2338.

Sincerely,

CHRISTOPHER HERRE
Branch Chief, Local Development/Intergovernmental Review

c: Terry Roberts, Office of Planning and Research



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director



April 23, 2009

Jennifer Vilasenor
City of Huntington Beach, Planning Department
2000 Main Street
Huntington Beach Ca, 92648
Phone #: 714-374-1661
Fax #: (714) 541-5157



Subject: Comments on the Mitigated Negative Declaration for the Goodell Property Pre-zoning and Annexation (Zoning Map Amendment No. 06-03 and Annexation No. 06-02 in the City of Huntington Beach, Orange County, California (SCH# 2009031094).

Dear Ms. Vilasenor:

The Department of Fish and Game (Department) has reviewed the above-referenced Notice of Intent to adopt a Mitigated Negative Declaration (MND) for the proposed project relative to impacts to biological resources and regional conservation planning. The proposed MND was received by the Department on March 26, 2009.

The site is located to the east of the terminus of Bolsa Chica Street, north and west of the Shea Hearthside Homes site. The existing unimproved open space is contiguous with the Department-managed Bolsa Chica Ecological Reserve ("BCER", southwest of the property). The proposed project is the pre-zoning and annexation of approximately 6.2 acres of County of Orange property into the City of Huntington Beach. The City agreed to annex the property in conjunction with the annexation of the Brightwater development which abuts the parcel to the west. Currently, the property is unincorporated County land surrounded by the City of Huntington Beach. The re-zone and annexation would allow future development of the site with up to 22 units. Any development on the site would require a subsequent CEQA document. The site would include a 3-acre open space dedication (1 acre of coastal conservation and 2 acres as open space park).

DFG-1

The Department is a Trustee Agency with jurisdiction over natural resources affected by the project under the California Environmental Quality Act (CEQA Section 15386) and Responsible Agency (Section 15381) over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 *et seq.*).

We offer the following comments on the MND based on our expertise in the area as the land managers of the BCER and our knowledge of the biological resources in the area.

The MND states the site supports 0.23 acre of chenopod scrub and "other ruderal habitats", which are not sensitive. However, the MND goes on to state the site is utilized by several raptor species including the fully protected white-tailed kite (*Elanus leucurus*) and the Northern Harrier (*Circus cyaneus*) a species of special concern. In addition to the raptors on site, the MND also states a California gnatcatcher (*Polioptila californica californica*) has been observed foraging in the chenopod scrub in 2005.

DFG-2

Conserving California's Wildlife Since 1870

ATTACHMENT NO. 5.30

Based on the information provided in the MND, it appears that although the site is small and does not support pristine native habitat, the remaining habitat is extremely important to the wildlife associated with the BCER. The Department is concerned that although a portion of the site is proposed as conservation, the further restriction of open space and additional edge-effect created by new development on the 3.2 acres could have a significant impact on the resources utilizing the site. This would negatively impact the BCER by reducing foraging habitat for raptors thereby forcing them onto the BCER, increasing public use of the BCER, increasing invasive exotic plants and animals into the BCER, and potentially impact coastal California gnatcatchers known to forage on the project site.

DFG-3

1. **Raptor habitat.** The site supports not only raptor roosting habitat (i.e., trees), but also supports critical foraging habitat (i.e., nonnative grasses and ruderal vegetation that supports ground squirrel and small mammals). The reduction of foraging habitat for raptors would negatively impact BCER by forcing the raptors on the Goodell property to move to the remaining open space habitat of BCER. Increased competition can result in prey-switching by raptors on the BCER from small mammals to bird species including sensitive species like the fully protected California least tern (*Sterna antillarum browni*) and western snowy plover (*Charadrius alexandrinus nivosus*). Any increase in predation on sensitive species by the displacement of raptors from the Goodell property would be significant under CEQA.

DFG-4

2. **Impacts to Public Use.** Part of that Department's responsibility in managing BCER is the management of access by the surrounding residents. The Department continues to expend a significant amount of resources for public outreach to control off-leash dogs, trespassing by pedestrians, unauthorized trails, all-terrain vehicles, and bicycles. The additional homes and access would result in additional strain on the Department's staff. To fully minimize the impacts to the BCER below a level of significance, the Department recommends the applicant pursue methods to restrict access to the BCER from the development, or work with the Department to fund patrols and public outreach to minimize the development's impact to the BCER in perpetuity.

DFG-5

3. **Invasive Species.** The proposed project could have a significant impact to the BCER by further subjecting the BCER to an increase of invasive species from the development. The Department recommends the applicant use non-invasive and native vegetation for landscaping in all areas that abut open space. Furthermore, the applicant should avoid all plants listed as invasive on the California Exotic Pest Plants Council website at <http://www.cal-ipc.org>.

DFG-6

4. **Impacts to California Gnatcatcher.** The MND indicates a California gnatcatcher (federally listed endangered, state species of special concern) was observed foraging in the chenopod scrub habitat in 2005. The Department is concerned that the proposed project could have a significant impact on California gnatcatcher. California gnatcatcher is known to nest in the coastal sage scrub habitat on the Brightwater property and BCER adjacent to the proposed development, and is known to forage on the Goodell property. Therefore, it is reasonable to conclude that the reduction in foraging habitat has the ability to result in "take" as defined by the Federal Endangered Species Act. The Department recommends the applicant consult with the U.S. Fish and Wildlife Service regarding potential "take" of California gnatcatcher and propose adequate mitigation to replace the function and values of the foraging habitat lost by the development of the property.

DFG-7

Jennifer Vilasenor
April 23, 2009
Page 3 of 3

Thank you for this opportunity to provide comment. Questions regarding this letter and further coordination on these issues should be directed to Erinn Wilson, Staff Environmental Scientist, at (714) 968-0953.

DFG-8

Sincerely,

for *Theresa A. Stewart*
Edmund J. Pert
Regional Manager
South Coast Region

cc: Helen Birss, Los Alamitos (electronic copy only)
Erinn Wilson, Huntington Beach (electronic copy only)
Matt Chirdon, Oceanside (electronic copy only)
Jeff Stoddard, Newport Beach
Kelly O'Reilly, Huntington Beach
Jonathan Snyder, U.S. Fish and Wildlife Service, Carlsbad

ATTACHMENT NO. 5.32

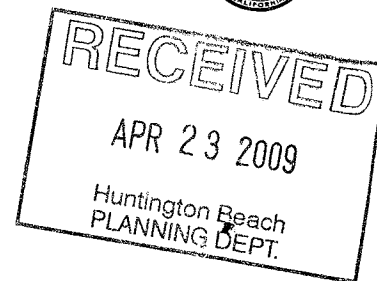
CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



April 22, 2009

RECEIVED APR 23 2009



Jennifer Villaseñor, Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: Mitigated Negative Declaration/Environmental Assessment No. 08-017
Goodell Property Pre-Zoning and Annexation

Dear Ms. Villaseñor:

Coastal Commission staff received the above referenced document on March 30, 2009. The City is in the process of soliciting comments from interested parties on the Mitigated Negative Declaration (MND) prepared for the proposed pre-zoning and annexation of the site known as the Goodell property. The subject site is an approximately 6.2 acre site located at the terminus of Bolsa Chica Street, south of Los Patos Avenue, in an unincorporated area of Orange County, adjacent to the City of Huntington Beach. The proposed pre-zoning includes 3.2 acres of Residential Low Density (RL), 2 acres of Open Space - Parks and Recreation (OS-PR), and 1 acre of Coastal Conservation (CC). Thank you for forwarding the document for Coastal Commission staff review. Commission staff appreciates the opportunity to comment early in the process. Following are our comments.

CCC-1

As noted in the MND, final land use designations and zoning for the subject site will need to be approved by the Coastal Commission via a Local Coastal Program amendment. Commission staff has concerns with aspects of the proposed pre-zoning, as described in further detail below. The most significant areas of concern are with the adequacy of the proposed pre-zoning to protect: 1) identified and potentially present sensitive habitats and species, 2) archaeological/cultural resources likely to be present on site; and 3) compatibility with surrounding land uses (existing or approved); and, 4) whether the proposed pre-zoning reflects the most recent actions in the surrounding areas with regard to the above-identified biological and cultural/archaeological resources, and with recently approved land uses).

CCC-2

Biological Resources

The MND identifies areas to be pre-zoned Coastal Conservation (CC) and Open Space - Parks Recreation (OS - PR). The area proposed to be pre-zoned OS - PR includes three eucalyptus trees. Also present at the site are a Monterey pine and Mexican elderberry shrub which were planted as mitigation for removal of trees without appropriate authorization, including the necessary coastal development permit. It is not clear from the information included in the MND what pre-zone category these trees fall within. The MND references a

CCC-3

ATTACHMENT NO. 5.33

Biological Resources Assessment (November 2007) prepared by SWCA. According to the MND, the Biological Assessment finds that the existing eucalyptus trees on site are considered a significant biological resource.

CCC-3
cont'd.

It should be noted however, that eucalyptus trees are not the only type of vegetation in and around the subject site that have been deemed Environmentally Sensitive Habitat Area (ESHA). Although ESHA identified in this area is typically referred to as "eucalyptus grove ESHA", other trees included in this ESHA are palm trees and pine trees that are used by raptors and herons. None of the trees are part of a native plant community. Rather, they have been recognized as ESHA due to the important ecosystem functions they provide to a suite of raptor species. The "eucalyptus grove" in the vicinity has been recognized as ESHA not because it is part of a native ecosystem, or because the trees in and of themselves warrant protection, but because of the important ecosystem functions the grove provides. It is important that all the trees on the subject site be considered in this context and pre-zoning be assigned accordingly.

CCC-4

In addition, the habitat function provided by the trees that were removed without authorization should be considered as if the unauthorized work had not occurred. The trees that were removed were mature trees that may have had greater habitat value than the newer replacement trees presently do. This should be taken into consideration when assigning appropriate zoning for the subject site. It should also be noted that the mitigation for the unauthorized removal included planting four trees (two western sycamores, two Catalina cherries), and two shrubs (two toyon). If vegetation (including but not limited to eucalyptus, palm and pine trees) on the subject site is found to constitute ESHA, the appropriate zoning would be Coastal Conservation. Also, necessary buffer area would be appropriately zoned Coastal Conservation as well.

CCC-5

Also, as noted in the MND, other sensitive plant and animal species have been found in the vicinity such as California gnatcatchers (*Polioptila californica californica*), a species listed as "threatened" under the Endangered Species Act, Southern tarplant (*Centromedia parryi* ssp. *Australis*), a California Native Plant Society "1b.1" species (seriously endangered in California), and the Burrowing Owl. Biological surveys should address whether these or other sensitive species exist on the subject site. Gnatcatcher habitat and Southern tarplant were identified on the adjacent Shea property. These habitats are located in areas now land use designated Open Space – Conservation.

CCC-6

The MND states: "Chapter 221 of the HBZSO requires that a 100-foot buffer be maintained between any development adjacent to an ESHA and the ESHA boundary." Chapter 221, Section 221.22 requires a **minimum** buffer of 100 feet. At the adjacent Parkside site, the appropriate buffer distance from the eucalyptus grove ESHA was found to be a range of between 297 feet to 650 feet. A one hundred foot buffer distance may not be adequate to protect ESHA.

CCC-7

The MND establishes biological mitigation measures. The first would "preserve" the three eucalyptus trees, but allows them to be relocated on-site. The second mitigation measure

CCC-8

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would allow removal of all non-native trees and replacement with natives, but does not specify replacement on-site. The third mitigation measure requires a 100 foot buffer from the ESHA identified on the adjacent Shea Homes property. Preservation of the eucalyptus trees should include preservation in place, not relocation. The mitigation measure allowing removal of non-native trees on site appears to conflict with the requirement to preserve the three eucalyptus trees on site. In addition, if the non-native trees are determined to provide significant habitat value and/or determined to be ESHA, relocation and/or removal would not be allowed under the Coastal Act. As described above, the 100 foot buffer requirement is a minimum requirement. All area determined to be ESHA and all area necessary for buffer area would be appropriately zoned Coastal Conservation. Open Space - Parks Recreation does not protect against significant disruption of ESHA and does not afford the protection necessary to assure the continuance of the ESHA.

CCC-8
cont'd.

A recent, comprehensive Biological Assessment will be required at the time an LCP amendment request is submitted to the Commission for consideration.

CCC-9

Cultural Resources

The MND states:

"A Cultural Resources Survey Report for the 6.2 acre site was prepared by the consulting firm of SWCA in November 2007. The report indicated that 16 cultural resource studies have been conducted within or adjacent to the project area. 11 of the studies are specific to the previously recorded prehistoric archaeological site CA-ORA-83, which is listed on the California Native American Heritage Commission registry of sacred sites. A pedestrian survey was conducted for the Cultural Resources Survey Report by SWCA in September 2007. The pedestrian survey identified indications of the presence of CA-ORA-83 within the project area. These indications included scattered concentrations of shell and possible midden soils. A possible historic World War II concrete foundation for the underground plotting/switchboard room was also observed during the site survey.

CCC-10

According to the report, the subject site has never been tested to determine the vertical and horizontal extent of CA-ORA-83 and that it is likely that the project area contains intact subsurface deposits that may be important to local and regional prehistory. In addition, large portions of the excavated areas of CA-ORA-83 outside of the project boundaries have documented presence of a prehistoric cemetery. As such, further testing would be required prior to future development of the site."

Due to the known significance of CA-ORA-83, it may be most appropriate to develop an Archaeological Research Plan (ARP) prior to submittal of an LCP amendment request to the Commission. Without such information it will be difficult to find that the zoning proposed for the site is consistent with the requirements of Coastal Act Section 30244. Approval of a coastal development permit for an Archaeological Research Plan would be necessary prior to carrying out the ARP.

CCC-11